Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED AT THE

... EIGHTH REGULAR SESSION ...

OF THE

LEGISLATIVE ASSEMBLY

HELD AT HELENA, THE SEAT OF GOVERNMENT OF SAID STATE, COMMENCING JANUARY 5th, 1903, and ENDING MARCH 5th, 1903.

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CERTIFICATE OF AUTHENTICATION.

STATE OF MONTANA, } ss.
SECRETARY'S OFFICE. }

I, Geo. M. Hays, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Eighth regular Session of the Legislative Assembly of said State, commencing January 5th, 1903, and held at Helena, the seat of government of said State, with the exceptions of corrections in orthography and punctuation, and omission or substitution words inserted in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at Helena, the seat of government of said State of Montana, this twentieth day of March, A. D. 1903.

[SEAL]

GEO. M. HAYS,
Secretary of State

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Officers and Members

of the Eighth Legislative Assembly of the State of Montana.

Governor, JOSEPH K. TOOLE,
Lieutenant-Governor and President of the Senate, FRANK G. HIGGINS.

STATE SENATORS

NAME	Politics	County	Postoffice Address
Albright, Jacob	Rep	Madison	Virginia City
*Anderson, Elmer J.	Rep.	Meagher	White Sulphur Springs.
*Biggs, Wesley M.	Dem.	Lewis and Clarke	Helena
Bourne, George Blake	Rep	Choteau	Hill
Brennen, William James	Rep.	Flathead	Big Fork
*Conrow, John M.	Dem.	Park	Livingston
*Cullen, Thomas Patrick	Dem.	Dawson	Glendive
Donlan, Edward	Rep.	Missoula	Missoula
Durham, George P.	Dem.	Granite	Philipsburg
*Hoffman, Charles Wheeler	Dem.	Gallatin	Bozeman
Hopkins, James Skinner	Dem.	Rosebud	Forsyth
Johnson, Edward Anderson	Dem.	Ravalli	Hamilton
*Kelly, James N.	Rep.	Sweet Grass	Hunters Hot Springs
*Kennedy, Jacob M.	Dem.	Deer Lodge	Anaconda
Kohrs, Conrad Carsten	Rep.	Powell	Deer Lodge
Maddox, Fletcher	Rep.	Cascade	Great Falls
Mahon, Archibald W.	Dem	Valley	Glasgow
*Meyer, William Frederick	Rep.	Carbon	Red Lodge
*Murray, James P.	Dem.	Beaverhead	Dillon
*McLean, Kenneth	Rep.	Custer	Miles City
Ralston, Samuel Franklin	Dem.	Teton	Choteau
Sherlock, Henry Lloyd	Dem.	Jefferson	Boulder
Tewey, Daniel	Dem.	Silver Bow	Butte
Waite, John David	Rep.	Fergus	Lewistown
Whipple, Charles A.	Dem.	Broadwater	Townsend
Yegen, Christian	Rep.	Yellowstone	Billings.

*Holdovers, elected 1900.

X. K. STOUT, Secretary.

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HOUSE OF REPRESENTATIVES

NAME	Politics	County	Postoffice Address
Allen, William R	Rep	Deer Lodge	Anaconda
Arthur, Samuel	Dem.	Granite	Granite
Axtell, Frank B.	Lab.	Silver Bow	Butte
Bray, Charles H	Rep	Lewis and Clarke	Helena
Bray, William	Rep	Rosebud	Rosebud.
Beaudry, Leon Edward	Lab.	Deer Lodge	Anaconda
Benson, Fred G.	Rep.	Lewis and Clarke	Helena
Bever, Chauncey C	Rep	Yellowstone	Billings
Brownlee, Robert.	Rep	Sweet Grass	Melville
Buchanan, Patrick Blair	Rep	Cascade	Belt
Burt, George W	Rep	Custer	Terry
Cannon, Harvey S.	Rep	Flathead	Kalispell
Conner, Aaron	Rep	Ravalli	Darby
Dempster, Charles W	Lab.	Silver Bow	Butte
Downey, Timothy Driscoll	Dem.	Jefferson	Basin
Duggan, Lawrence	Lab.	Silver Bow	Butte
Dwight, Reuben	Rep	Missoula	Missoula
Everett, Thomas Madison	Rep	Choteau	Harlem
Farmer, Robert William	Fus. Dem	Silver Bow	Butte
Faust, Henry J	Rep	Powell	Ovando
Flaherty, John	Dem.	Jefferson	Cold Spring
Gagner, Frederick	Lab.	Deer Lodge	Anaconda
Giltinan, Harry Joseph	Rep	Meagher	White Sulphur Springs.
Graham, Davis	Rep	Missoula.	Missoula
Harrison, William Henry	Rep	Cascade	Neihart
Hefferlin, Charles Sumner	Rep	Park	Livingston
Hilger, David	Dem.	Fergus	Lewistown
Hillman, John Roland	Rep	Flathead	Columbia Falls
Johnson, Herbert Earle	Rep	Broadwater	Winston
King, Ernest W	Rep	Fergus	Lewistown
Lancaster, John Wesley	Rep	Ravalli	Stevensville
Lanstrum, Oscar Monroe	Rep	Lewis and Clarke	Marysville
Lehson, Henry William	Rep	Granite	Garnet
Lienemann, Louis	Fus. Dem	Silver Bow	Butte
Linderman, Frank Bird	Rep	Madison	Sheridan
Lynch, James Henry	Anti-Tr D	Silver Bow	Butte
Martin, James E	Dem.	Gallatin	Bozeman
Miller, Charles B	Rep	Lewis and Clarke	Helena
Miles, John H.	Rep	Madison	Pony
Morrissey, John	Lab.	Deer Lodge	Anaconda
Mullins, Patrick	Fus. Dem	Silver Bow	Butte
McCone, George	Rep	Dawson	Reeta
MacDonald, Duncan A	Rep	Jefferson	Alhambra
MacGinniss, John	Fus. Dem	Silver Bow	Butte.
Noble, John M	Rep	Flathead	Kalispell
O'Keefe, Timothy C	Lab	Deer Lodge	Anaconda
Owen, Charles Milton	Rep	Missoula	Missoula
Pearson, Louis J	Rep	Cascade	Great Falls
Pelletier, Fred J	Lab.	Silver Bow	Butte
Rice, James Horton	Rep	Choteau	Fort Benton
Sales, Walter Henry	Rep	Gallatin	Manhattan
Self, James Madison	Rep	Missoula	Plains
Schwend, Joseph H.	Lab.	Deer Lodge	Anaconda
Shannon, Joseph	Lab.	Silver Bow	Butte
Stadler, Louis	Rep	Lewis and Clarke	Helena
Stapleton, Guy W	Fus. Dem	Silver Bow	Butte
Story, Nelson, Jr.	Rep	Gallatin	Bozeman
Swindlehurst, Thomas Martin	Dem.	Park	Livingston
Sykes, Henry N.	Rep	Custer	Ekalaka
Teal, Thomas Hilton	Rep	Madison	Virginia City
Tolman, John N	Rep	Carbon	Red Lodge
Tooley, Clarence P.	Rep	Meagher	Two Dot
Vagg, Harry A	Rep	Valley	Saco
Webb, Jonathan E	Rep	eton	Chotean
White, Benjamin F (Speaker)	Rep	Beaverhead	Dillon
Whiteley, William F.	Lab.	Silver Bow	Butte
Williams, David F	Rep	Broadwater	Radersburg
Wilson, Charles Albert	Rep	Cascade	Great Falls
Wilson, John Barnes	Rep	Lewis and Clarke	Helena
Wood, George Rodney	Dem.	Cascade	Great Falls
Woodworth, George	Rep	Beaverhead	Wisdom
Word, Charles Francis	Dem.	Lewis and Clarke	Helena

NATHAN GODFREY, Chief Clerk.

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GENERAL LAWS OF MONTANA

ENACTED BY THE

EIGHTH LEGISLATIVE ASSEMBLY

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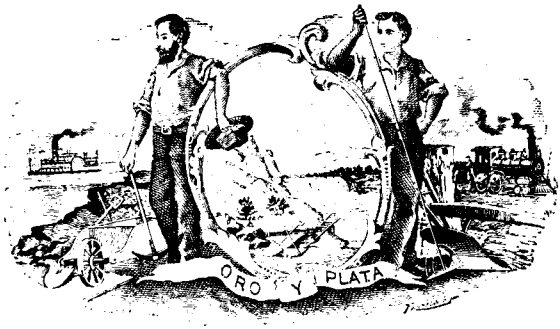

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GENERAL LAWS.

CHAPTER I.

An Act to repeal Sections 3698 and 3699 of the Political Code of the State of Montana, relating to the Board of Appraisers of real estate.

Be it Enacted by the Legislative Assembly of the State of Montana:

Sections 3698 and 3699 Political Code repealed.

Section 1. That Sections 3698 and 3699 of the Political Code of the State of Montana be, and the same are hereby repealed.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 6th 1903

CHAPTER II.

"An Act Entitled An Act to Amend Sections six and seven of an act to Provide for the Appointment of a Board of Sheep Commissioners, and to define their powers and duties. Approved March 5, 1897."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 6 of Act to provide for Board of Sheep Commissioners approved March 5th, 1897, amended.

Section 1. That Section six of an act entitled "An Act to Provide for the Appointment of a Board of Sheep Commissioners and to Define their Powers and Duties, approved March 5, 1897," shall be amended to read as follows:

Annual report.

Section 6. The Board must make an annual report

in writing to the Governor on the 30th day of November of each year. Such report must give a complete statement of the transactions of the Board during the year, including an itemized statement of the transactions of the Board during the year, including an itemized statement of the receipts and expenditures by counties for each year.

Section 7 of act to provide for Board of Sheep Commissioners approved March 5th, 1897, amended.

Section 2. That section seven of "An Act entitled an Act to provide for the Appointment of a Board of Sheep Commissioners and to Define their Powers and Duties, approved March 5, 1897," shall be amended to read as follows:

Tax levy to raise fund.

Section 7. The Board of County Commissioners, at the time of the annual levying of taxes, must levy a tax of one-fourth of one mill on every dollar of the assessed value of all sheep in their respective counties to be collected as other taxes, and paid to the State Treasurer, who must keep the same as a separate fund to be known as the Sheep Inspection and Indemnity Fund, which fund must be used in defraying any expenses of Deputy Sheep Inspectors and Detectives and all other expenses incurred under the provisions of this Act, except the salary of the State Veterinary Surgeon, but at no time shall any warrants be drawn upon this fund in excess of the amount of money in said fund or to exceed the amount of taxes collected and paid in.

Fund to be used for expenses of inspectors and detectives.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

When act takes effect.

Section 4. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby 14th 1903

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CHAPTER III.

An Act to amend Section No. 1123 of the Penal Code of the State of Montana, relating to the dumping of refuse in streams.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section No. 1123 of the Penal Code of the State of Montana is amended to read as follows: Section 1123 of Penal Code, amended.

Section 1123. Every person who operates any saw-mill, pulp-mill, paper mill or wood manufacturing plant on or near any stream, lake, or any body of water connected with any stream or lake, who dumps, drops, carts, deposits or causes to be deposited in such stream, lake, or body of water connected with any stream or lake, any saw-dust, bark, chemicals, refuse or debris coming from said saw-mill, pulp-mill, paper-mill or wood manufacturing plant, is punishable by a fine not exceeding five hundred ($500.) dollars. Punishment for depositing in stream refuse matter.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealing clause

Section 3. This Act shall be in force from and after its passage and approval. When act takes effect.

Approved Feby 14, 1903.

CHAPTER IV.

An Act to amend Section 1201 of the Political Code, Session Laws of 1897, page 113, relating to the Appointment of Registry Agents.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1201 of Chapter III. of Title II. of Part III of the Political Code be. and the same is hereby amended so as to read as follows: Section 1201, Chap. 3, Title 2, Part 3 of Political Code, amended.

Section 1201. There must be one registration agent

for each registration district, created pursuant to this Chapter. All registry agents must be competent persons and must be appointed by the Board of County Commissioners. They must be residents and qualified voters in the several districts for which they are respectively appointed. They are authorized to administer oaths and affirmations and do such other acts as may be necessary to fully carry out the provisions of this Chapter. A registry agent holds his office until his successor is appointed and qualified. No person, a candidate for, or who holds a State, County or other public office, other than that of notary public or Post Master, is eligible to or shall hold the office of registry agent of election. All registry agents must be appointed in each regular general election year, at the regular June meeting of the Board of County Commissioners, and hold their office for the period of two years, except as in this Chapter otherwise provided, but they are subject to removal at any time by the Board of County Commissioners. In any registration district wherein any incorporated City containing five thousand population or more, is situated, it is lawful for the County Commissioners to appoint two or more registry agents, and in any district where two or more registry agents are so appointed, the County Commissioners must allot, by order entered upon their minutes, to each of such agents the particular precincts in which such agents shall make the registration under this Chapter."

Number, appointment, qualifications and duties of registry agents.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved Feby 16, 1903.

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CHAPTER V.

An Act to Amend Section 4367. Political Code, Relating to the Safe Keeping of Public Funds by County Treasurers.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4367 Political Code be and the same is hereby amended so as to read as follows:

Section 4367 of Political Code, amended.

Section 4367. The county treasurer must keep all moneys belonging to the county, and all other moneys by law directed to be paid to him, in his own possession until disbursed according to law. In the event that he shall deposit the same, or any part thereof with any national, state or private bank or banks, he shall require from such bank or banks a good and sufficient bond in double the amount deposited, signed by three or more good and sufficient sureties, which must be approved by the board of county commissioners and filed with the county clerk of the county. But nothing in this section prohibits him from making special deposits for the safe keeping of public moneys, Provided, always, that this act shall in no wise repeal, affect or in any wise modify the provisions of an Act entitled an Act to permit Foreign Surety Companies to do business in this state, and regulating the method thereof. Approved Feby 24th, 1899.

County Treasurer to keep funds in his possession until disbursed.

In event of deposit of funds in bank, shall require bond.

Proviso.

Section 2. This act shall be in force and effect from and after its passage and approval.

When act takes effect.

Approved Feby 16, 1903

CHAPTER VI.

"An Act to Prevent all Persons Owning or Operating a Coal Mine on the Bank of any Stream Containing fish or Water which is used for Domestic Purposes,

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or for Irrigation, from Depositing coal-slack or other Refuse from such Mine in such Stream, and for Fixing the penalty for the Violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Coal mine owners to prevent coal slack or refuse from mingling with waters of stream.

Section 1. All persons owning or having in operation, and all persons who may hereafter own or put in operation in the state of Montana, either in person or by agent, any coal mine on any stream containing fish or water which is used for domestic purposes, or for irrigation, are hereby required to so care for any coal slack or other refuse emanating from such coal mining operation as to prevent the same from mingling with the waters of such streams.

Dumping coal slack or refuse in stream a misdemeanor and penalty therefor.

Section 2. All persons owning or operating, or who may hereafter own or operate any coal mine on any stream containing fish or water which is used for domestic purposes, or for irrigation, who shall dump, cart or deposit, or cause or suffer to be deposited in such stream any such coal-slack or other refuse emanating from such coal-mining operation, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than two hundred ($200.) dollars nor more than five hundred ($500.) dollars for each and every offense.

Time when act takes effect.

Section 3. This Act shall be in full force and effect on and after June 1, 1903.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict with this Act are repealed.

Approved Feby 16, 1903.

CHAPTER VII.

An act to repeal an Act, entitled, "An Act to provide for the publication of occupation license moneys, collected by the county treasurers," approved March 4, 1901.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Act approved March 4th, 1901, relating to the publication of license monies collected, repealed.

Section 1. That the Act, entitled, "An Act to provide for the publication of occupation license moneys, collected by the county treasurers," approved March 4, 1901, be and the same is hereby repealed.

Time when act takes effect

Section 2. This Act shall be in full force and effect from and after its passage.

Approved Feby 17th 1903.

CHAPTER VIII.

An Act to authorize the construction and use, by Railway Companies, at Grade Crossings of two or more Railway Tracks, of Interlocking Plants, Signal Stations,or other devices approved by the County Commissioners of the County wherein such structures are to be used, or by the District Court for said County, for the safe transfer of locomotives, cars and trains from one track to another without stopping.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Railway trains to come to full stop at grade crossings.

That no Railway Company operating trains within this State shall permit any locomotives or cars to cross the tracks of any other railroad, at grade, without coming to a full stop immediately before crossing; provided, however that if any Railway Company, or Companies, using one or more tracks crossing each other or connecting, in any way, at a common grade, shall, by an interlocking plant, signal station, or any other works or fixtures, to be erected by them, or either of them, render it safe to pass over said crossings without stopping, and such plant, works or fixtures shall have been first approved by the County Commissioners

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of the County wherein such works are to be constructed and used, and the plans of such works and fixtures for such crossing, designating the place of such crossing, shall have been filed with such Commissioners, then and in that case the foregoing provisions of this section, requiring the stopping of trains at such crossing, shall not apply to said companies, or either of them; and, if said County Commissioners shall disapprove any such plans so filed with them, or fail to approve the same within twenty (20) days after the filing thereof with them, such railway companies, or either of them, may apply, in the County where such crossing is situated, to the District Court in and for said County, or to a judge thereof in vacation, by petition in writing setting forth the object of such application, and said court or judge shall, thereupon, appoint a time and place for the hearing of said petition, and a copy of the order appointing such time and place, together with a copy of said petition, shall be served upon said County Commissioners at least ten (10) days before the day appointed for said hearing, and said District Court, or a judge thereof in vacation, shall have full power, upon the hearing of said petition, to grant the prayer thereof, or to make such other order thereon as may be proper in the premises, and the foregoing provisions of this section, requiring the stoppage of trains at crossings, shall not apply to said railway companies, or either of them, if said District Court shall, by its order upon said petition, grant the prayer thereof or otherwise and to any extent approve the construction and use of the interlocking plant or other structures therein referred to.

Railway companies rendering crossing at grade safe by erection of interlocking plant or signal station, approved by Board of County Commissioners, need not stop trains at grade crossings.

If County Commissioners disapprove or fail to approve plans company may petition District Court.

District Court to hear petition and may make order.

Section 2.

Repealing clause.

All acts and parts of acts in conflict herewith are hereby repealed.

Section 3.

When act takes effect.

That this Act shall take effect from and after the date of its final passage.

Approved Feby 17th 1903.

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CHAPTER IX.

"An act making the education of the Deaf and Blind of the State of Montana Compulsory and to provide for the enforcement thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Whereas: The state has provided an institution for the free instruction of all resident deaf and blind children, of lawful school age, every parent, guardian or person having control or custody of any child or children, who is or are too deaf or too blind to be educated in the Public Schools, shall be required, under the penalties hereafter specified, to send such child or children, who are of lawful school age, to said institution for the Deaf and Blind for six (6) months of each school year for the period of eight (8) years, unless such child or children be taught in a private school, at home, or in similar institution in another state, in such branches as are taught in said institution, or unless such child or children be excused by the authorities on account of his, her or their physical or mental disability; provided, that such child or children shall be required to attend such private school or institution, as herein-before provided not less than six (6) months of each year for eight (8) years or until he, she or they have arrived at the limit of the lawful school age.

Education of the deaf and blind compulsory.

Section 2.

Any parent, guardian or other person having control, charge or custody of any deaf or blind child or children failing to comply with the provisions of this act shall be liable to a fine of not less than Five ($5.00) Dollars, nor more than Twenty-Five ($25.00) for the first offense nor less than Twenty-Five ($25.00) Dollars

Penalty.

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nor more than Fifty ($50.00) for each subsequent offense, besides the cost of prosecution.

Section 3.

Clerk School District to see to the enforcement of law.

It shall be the duty of the clerk of the school district to make diligent efforts to see that this law is enforced in their respective districts.

Section 4.

When act takes effect.

This act shall be in full force and effect from and after its passage and approval by the governor.

Presented to the Governor Feby 11, 1903.
J. K. TOOLE, Governor.

Filed February 18th, 1903, at 9:15 A. M.
GEO. M. HAYS, Secretary of State

(Note by the Secretary of State.)
The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

CHAPTER X.

"An Act to change the name of the Montana Deaf and Dumb asylum from the Montana Deaf and Dumb asylum to the Montana School for the Deaf and Blind and to amend section 2330 of the Political Code of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Name of School

That the educational institution of the State of Montana located at Boulder Montana, now named and known as the "Montana Deaf and Dumb Asylum," shall no longer be known as the Montana Deaf and Dumb asylum but shall hereafter be known as the "Montana School for the Deaf and Blind," and shall be named, designated and known as the "Montana School for the Deaf and Blind."

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Section 2.

Change of name not to work forfeiture.

The change of name herein provided for shall not be construed to impair or work a forfeiture or alteration of any rights, grants or purposes of said institution and all laws of a special or general nature now effecting or applying to the Montana Deaf and Dumb asylum shall hereafter apply with equal force and effect to said Montana School for the Deaf and Blind.

Section 3.

Repealing clause.

All acts and parts of acts in conflict herewith are hereby repealed.

Section 4.

When act takes effect.

This act shall be in full force and effect from and after its passage and approval by the governor.

Presented to the Governor Feby 11, 1903
J. K. TOOLE, Governor.
Filed February 18th 1903 at 9:15 A. M.
GEO. M. HAYS, Secretary of State.
(Note by the Secretary of State.)
The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

CHAPTER XI.

An Act to provide further protection of birds, fish, fur-bearing animals and game, by regulating and restricting the shipping of the same out of the State; by providing for licensed guides, and by requiring taxidermists to secure a license to conduct business, and to provide penalties for violations of this Act.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Non resident, not taxpayer, must procure license to kill game animals.

Any non-resident, who is not a tax payer in the State of Montana, who hunts or kills any deer, elk, Rocky Mountain goat, or mountain sheep, without

having first procured a license therefor, as provided by law, shall be punished by imprisonment in the State Prison for a term not exceeding one year, or in a County jail not less than one month, or by a fine of not more than five hundred dollars, or less than One hundred dollars, or by both such fine and imprisonment.

Penalty.

Section 2.

Non resident, not taxpayer, must procure license to kill birds.

Any non-resident who is not a taxpayer in the State of Montana, who hunts or kills any grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, wild goose, wild duck, brant, or swan, without having first procured a license therefor, as provided by law, shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred and fifty dollars, or by imprisonment in a County jail not to exceed three months, nor less than one month, or by both such fine and imprisonment.

Penalty.

Section 3.

Unlawful to ship certain birds or game animals out of state.

It is unlawful, and is hereby prohibited, for any person, or persons, to ship or take out of the State any of the birds or game animals, or any part thereof, mentioned in Sections 1, 2, 3, 4, 5, 6, or 7, of an Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur-bearing animals and game, approved March 8, 1897, except as herein provided for.

Section 4.

Resident of state shipping birds or animals out of state to obtain permit.

Any resident of this State who desires to ship out of the State any of the birds or animals, or parts thereof, mentioned in said Act during the open season

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for the killing of the same, the same having been killed lawfully, shall first procure a permit from the State Game and Fish Warden, said permit stating the name of the consignee and consignor, destination, and number and kind of game that is to be shipped, and said permit shall be presented to the transportation company with the consignment of game.

Section 5.

Non resident shipping birds or animals out of state to exhibit license to transportation company.

Any non-resident of this State who has procured a hunter's license, and who desires to ship out of the State any of the birds or animals, or any part thereof, mentioned in this Act, during the open season for killing the same, the same having been killed lawfully, shall present to the transportation company his license, with the consignment of game to be shipped, provided that no one person shall ship in one year more game than it is lawful for one person to kill in a single open season.

Section 6.

Unlawful for transportation company to ship birds or animals out of state unless accompanied by license or permit.

It shall be unlawful for any person to ship, or offer for shipment, or for any transportation or common carrier company, or any agent, servant, or employe of any such company, to ship or accept for shipment, any of the game birds, or game animals, or any parts thereof, mentioned in this Act, for transport out of the State, except the same be accompanied by a permit issued by the State Game and Fish Warden, as herein provided, or by a non-resident hunter's license. When said permit is presented the company shall compare the description on the same with the consignment of game to be shipped and if the same is correct, the company may accept the consignment, and shall take up the permit and return the same to the State Game and Fish Warden at once. When non-resident hunter's license is presented, the company shall examine the license and if the kind of game offered for ship-

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ment is covered by said license, said game may be accepted for shipment; provided that the amount of game offered for shipment is not in excess of the limit as prescribed by law to be killed by any one person, in any one open season. The company shall endorse upon the back of said license in ink the name of the station from which shipment is made, date, destination (destination), consignee, and the number of each kind of game shipped. The company shall at once notify the State Game and Fish Warden, giving the number of the license, name of holder, shipping station, date, name of consignee, destination, and the number and kind of each kind of game shipped. Should a license be presented with a consignment of game for shipment, and the endorsements on the back of same show that the number of such game as was lawful to be killed by any one person in one single open season, had already been shipped on said license, the company shall refuse to accept same for shipment. It shall be unlawful for any transportation or common carrier company, or any agent, servant or employee of any such company to ship or accept for shipment any large game on a non-resident hunter's small game license, and vise versa.

Duty of transportation company.

Section 7.

It shall be unlawful for any person to ship out of this State any birds, fish, or animals protected by the laws of this State, except when the same shall be in the personal possession of, or carried as baggage or express, by the owner thereof, and accompanied by the owner thereof, upon the same train or other conveyance.

Unlawful to ship out of state birds, fish or animals unless in possession of owner or as baggage or express.

Section 8.

It is required that all packages containing fish or game shall be labeled in plain letters on the address side of the package, so as to disclose the contents thereof.

Packages to be labeled.

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Section 9.

Penalty.

Any person or persons, transportation or common carrier company, agent, servant or employee of any transportation or common carrier company, who shall violate any of the provisions, or any part thereof, contained in Sections 3, 4, 5, 6, 7 and 8 of this Act, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or imprisonment in a County jail not less than thirty days, nor more than ninety days, or both such fine and imprisonment. All game shipped or had in possession in violation of any of the provisions of this Act may be seized, confiscated, and disposed of, as provided by law.

Section 10.

Guide to procure license.

No person shall engage in the business of guiding, as the term is commonly understood, without first having procured from the State Game and Fish Warden, a guide's license. Any competent person, who is a bona fide citizen of the State of Montana, shall, upon the presentation of an affidavit, stating that the applicant is of good moral character and responsible, and signed by three tax payers of the county in which the applicant lives; and by the applicant signing the oath of office of a Deputy State Game Warden, and making the payment of ten dollars to the State Game Warden, receive from him a guide's license, which shall be good for one year only; provided, that upon payment of ten dollars annually said license may be renewed. Such license shall state the name, age, and place of residence of the holder, and shall further recite that the holder of such license is a person of good moral character. Every person acting as a guide in this State shall be a Deputy State Game and Fish Warden, and shall file with the State Game and Fish Warden his oath of office as such Deputy Game Warden, but shall receive no compensation from the State in any way for such services, other than the consideration above mentioned.

Appointment, qualification and duties of guide.

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Section 11.

Penalty.

Any person acting as a guide for any person or party shall be equally responsible with such person or party, for any violation of the law, any such guide who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalties as hereinafter provided for.

Section 12.

Who deemed guide.

Any person who shall, for pay, aid or assist any person or party, in locating, pursuing, hunting or killing any of the game birds or animals mentioned in this Act, shall be deemed a guide within the meaning of this Section.

Section 13.

Guide to make statement.

Whenever a guide is employed by any person or party, such guide shall at the expiration of the period of the time for which he was employed, make a written statement to the State Game and Fish Warden, stating the number of days he was employed, the number of persons guided, their names, residences, and the number of each kind of game killed, and if non-residents, the number of their license.

Section 14.

Penalty.

Any person violating any of the provisions contained in Sections 11, 12, 13 and 14 of this Act shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or imprisonment in a county jail for not less than sixty days, nor more than six months, or both such fine and imprisonment, and in all cases of conviction their license shall be revoked.

Section 15.

Taxidermist to obtain license.

Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist

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business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead bodies of any of the birds or animals, or any part thereof, mentioned in the game laws of this State. must first obtain from the State Game and Fish Warden a Taxidermist's License, such license to be taken out annually and shall cost Twenty-five dollars per. annum. Such person shall, on the first day of each month, make a written report to the State Game and Fish Warden, of all the articles of game, the kind and number of each, by whom owned, and residence of owner, received during the past month, also of all the articles of game shipped and to whom and where shipped during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address.

Duty of taxidermist.

Section 16.

Any person failing to secure the herein mentioned license, or who shall fail, neglect, or refuse to make the above mentioned report, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a term not less than three months, or more than six months, or both such fine and imprisonment, and in all cases of conviction their license shall be revoked.

Penalty.

Section 17.

All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 18.

This Act shall be in effect from and after its passage and approval.

When act takes effect.

Approved Feby 21 1903

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CHAPTER XII.

An Act to provide for the investment of and to require the State Board of Land Commissioners to invest the permanent School Fund, Permanent University Fund, Permanent Agricultural College Fund, and imposing duties on State, County, City and School District Officers in connection therewith, and repealing an Act of the Seventh Legislative Assembly of the State of Montana, approved March 16, 1901, entitled "An Act entitled An Act to authorize and provide for the investment of the Permanent School Fund, Permanent University Fund, and other Land Grant Funds, held by the State Treasurer of the State of Montana and to authorize the State Treasurer, with the advice and consent of the State Board of Land Commissioners, to make such investments."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Board of Land Commissioners required to invest monies of certain funds.

That the State Board of Land Commissioners is hereby authorized and required to invest and keep invested all moneys belonging to the Permanent School Fund, Permanent University Fund, and Permanent Agricultural College Fund in any State, County, City or School District Securities of this State, "Or in any Bonds now issued, or to be hereafter issued against any of the State Land Grants" which in its judgment is a safe investment.

Board to bid.

The Board may make its bid in the same manner as private persons and under no restrictions other than those imposed upon private persons seeking investment therein.

Section 2.

Board to direct Auditor to draw warrant.

Whenever the Board has purchased any securities as provided in section 1 of this Act and the same are duly executed and delivered to the President of the Board, the Board shall direct the State Auditor to draw his

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warrant upon the State Treasurer for the amount thereof, specifying the Fund upon which and the person in whose favor the said warrant shall be drawn, whereupon the State Auditor shall draw a warrant upon the State Treasurer accordingly, which warrant shall be delivered to the President of the State Board of Land Commissioners and shall be paid by the State Treasurer upon the delivery to him of the purchased securities; provided that the State Treasurer shall purchase interest bearing warrants issued against any Fund whenever ordered so to do by the State Board of Land Commissioners, and the State Treasurer is hereby required to render a statement monthly to said Board of the amount of interest bearing warrants in each Fund.

Proviso.

Section 3.

It shall be mandatory upon the officers in charge of County, City and School District Bond Sales to give the State Board of Land Commissioners, at least thirty days prior to the date of such sales, a copy of the advertisement thereof, also full and complete proof of the proceedings had with reference to the issuance of said bonds, with the opinion of the County Attorney as to the legality thereof, together with a certificate showing the amount of taxable property in and the amount of indebtedness against such county, City or School District and upon request shall furnish such other information as said Board may require, and any failure to comply herewith shall be deemed a misdemeanor punishable by a fine of not less than One Hundred ($100.00) or more than One Thousand ($1,000.00) Dollars, and the County Attorney of the proper County, upon request of the State Board of Land Commissioners, must prosecute any officer violating this section.

Mandatory upon officers in charge of bond sales to give notice to Board and to give detailed information.

Violation misdemeanor.

Section 4.

The Act of the Seventh Legislative Assembly of the State of Montana, entitled "An Act Entitled An Act

Repealing clause.

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to Authorize and Provide for the investment of the Permanent School Fund, Permanent University Fund and other Land Grant Funds, Held by the State Treasurer of the State of Montana, and to authorize the State Treasurer, with the Advice and Consent of the State Board of Land Commissioners, to make such investments" approved March 16, 1901, together with all Acts and Parts of Acts in conflict herewith are hereby repealed.

Act approved Mar. 16. 1901, repealed.

Section 5.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When act takes effect.

Approved Feby 21, 1903.

CHAPTER XIII.

An Act to amend Section 602 of Art. XVI, Chapter 3, Title 1, Part 3 of the Political Code, relating to the powers and duties of the Board of Medical Examiners.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 602 of Art. 16, Chap. 3, Title 1, Part 3, Political Code, amended.

Section 1. That Section 602 of Art. XVI. Chapter 3, Title 1, Part 3 of the Political Code be amended to read as follows:—

Section 602. Every person hereafter wishing to practice medicine or surgery in any of the departments of this State shall apply to said Board for a certificate so to do. Every person applying shall present his or her diploma to the said Board of Examiners for verification as to its genuineness; if the diploma is found to be genuine, and is issued by a medical school legally organized and in good standing whose teachers are graduates of a legally organized school, which fact said Board of Examiners shall determine, and if the person presenting and claiming said diploma be the person to whom the same was originally granted, at a

Diploma.

Person wishing to practice medicine to apply to Board for certificate.

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time and place designated by said Board or at a regular meeting of said Board said applicant shall submit to an examination in the following branches, to-wit: anatomy, physiology, materia medica, therapeutics, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear and present evidence of having attended four courses of lectures of at least six months each, but such evidence of having attended four courses of lectures shall not be required of the applicants graduating prior to July 1, 1898, said Board shall cause such examination to be both scientific and practical, and of sufficient thoroughness and severity to test the candidates fitness to practice medicine and surgery; when desired, such examination may be conducted in the presence of the dean of any medical school, or the president of any medical society in this State. After examination, such Board, if the candidate has been found qualified, shall grant a certificate to such candidate to practice medicine and surgery in the State of Montana; which said certificate can be granted only by the consent of not less than four members of said Board, and which said certificate shall be signed by the president and secretary of said Board and attested by the seal thereof; provided however, that in all cases where an applicant for a certificate under this section shall produce and exhibit to said Board of Examiners a certificate from a Board of Medical Examiners, duly appointed and existing under the laws of any state of the United States and recognizing certificates or licenses from this state certifying to the fact that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state issuing said certificate, and that said Board issuing said certificate has subjected the applicant to a thorough examination to ascertain this fact, or certifying to the fact that the person presenting such certificate is duly and well qualified to prac-

Shall submit to an examination.

Examination.

Certificate to be granted by not less than four members of board.

Certificate. What to contain.

tice medicine and surgery in the state issuing said certificate; and to the further fact, if such is the case, that said applicant was exempt from examination under the provisions of the law of said state, by reason of his residence in said state in the active practice of medicine and surgery at the time of the passage in said state of said law requiring the examination of applicants to practice medicine and surgery; he or she may, at the discretion of said Board of Examiners upon paying the fee required of applicants for examination under the provisions of Section 607 of this article, and otherwise complying with all the requirements of this article, receive from said Board of Examiners a certificate to practice medicine and surgery within this state, and upon filing said certificate with the County Clerk of the County in which he resides, as is provided in Section 604 of this article, he shall be a legally qualified practicioner of medicine and surgery in this state; provided, also, that during any period intervening between the sessions of said Board of Examiners, and person desiring to practice medicine in this state may present his or her diploma to the president or secretary of said Board, who may issue a certificate good until the next regular meeting of said Board; and provided further, that all physicians and surgeons who hold certificates granted by the now existing Board of Medical Examiners, or who are now legally entitled to practice medicine and surgery in this state shall be exempt from the provisions of this section.

Fee.

Proviso.

Proviso.

Repealing clause.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

When act to take effect.

Section 3. This act shall be in full force and effect from and after its passage.

(Note by the Secretary of State.)

The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution has become a law without his approval.

Feby 23d. 1903

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CHAPTER XIV.

An Act to provide for the appointment by the Supreme Court of three commissioners to be known as commissioners of the Supreme Court, and to provide additional clerical assistance therefor to relieve said Court from the overburdened condition of its calendar.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Supreme Court to appoint three commissioners before Apr. 1, 1903.

The Supreme Court of the State of Montana shall, on or before the first day of April, A. D. 1903, appoint three persons, of legal learning and personal worth, as commissioners of the Supreme Court. It shall be the duty of said commissioners, under such rules and regulations as said Court may adopt, to assist in the performance of its duties, and in the disposition of the numerous causes now pending in said Court undetermined.

Duty of commissioners.

Term of office.

The said commissioners shall hold office for the term of four years, from and after their appointment, during which time they shall not engage in the practice of the law. They shall each receive a salary of $4,000.00 per. annum, payable at the same time and in the same manner as the salary of a judge of said Court.

Compensation.

Oath.

Before entering upon the discharge of their duties they shall each take an oath to support the constitution of the United States, and the constitution of the State of Montana, and to faithfully discharge the duties of the office of commissioner of the Supreme Court, to the best of their ability. The said Court shall have power to remove any and all members of said commission at any time, and all vacancies in such commission shall be filled in like manner.

Power of removal.

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Expiration of term.

No further appointments to be made.

The term of office of said commissioners shall expire at the end of four years from date of their appointment, and no further appointments shall be made, but this act shall thereafter be inoperative.

Section II.

Upon the appointment of said commissioners, as in this Act provided, and whenever in the opinion of the said Court it may be deemed necessary, the Court may employ additional clerical assistance, for the use of such commission, and such person or persons shall serve during the pleasure of the Court and shall receive as compensation for such services such sum as may be fixed by the Court not to exceed the sum of $200. per month, the same to be paid upon the certificate of the Chief Justice or in his absence of one of the Justices of said Court.

May employ clerk.

Compensation of clerk.

Section III.

When act takes effect.

This Act shall take effect, and be in force, from and after its passage and approval.

(Note by Secretary of State.)
The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.
Feby 23d, 1903

CHAPTER XV.

An Act entitled "An act to enable cities which have incurred an indebtedness in excess of the limit provided in section 6, Article XIII, of the Constitution of Montana to liquidate and pay off the same."

Be it Enacted by the Legislative Assembly of the State of Montana:

Indebtedness in excess of limit provided in Sec. 6, Art. 13, of the Constitution.

Section 1. The city council of any city which has incurred an indebtedness in excess of the limit provided in section 6 of Article XIII of the Constitution

of Montana is hereby authorized and empowered to call a special election within one year after September 1st, A. D. 1903, for the purpose of submitting to the taxpayers of such city the proposition to liquidate and pay off such indebtedness by levying a special tax each year of such number of mills as may be necessary to pay the same, not exceeding three mills on the dollar each year, in addition to the taxes now collectable. Such election to be held at such time and places and to be conducted in the manner provided by law and the ordinances of such city. The ballots at such election shall be "For the Tax," and "Against the Tax." If a majority of said votes shall be in favor of such tax, then it shall be lawful for and the said city council is hereby authorized and empowered to liquidate and pay off such indebtedness in the manner herein provided.

City Council to call special election.

Section 2. All warrants or other evidence of any such indebtedness shall be filed with the city clerk of said city on or before the first day of September, A. D. 1903, and any such indebtedness, the warrant or other evidence of which is not so filed shall not be entitled to the benefit of this Act.

Warrants to be filed with City Clerk.

Section 3. If at said election a majority of the votes are cast "For the Tax," then it shall be the duty of said city council to levy and collect said special tax and set aside the same as a separate fund to be known as the "Excess Indebtedness Fund," which must be used in payment of warrants issued upon the same as hereinafter provided, and if, after payment of all said warrants, there is any residue, it shall be turned over to the general funds of said city. All such indebtedness so liquidated and paid as hereinafter provided, and all acts and proceedings of the city council, are hereby legalized, adopted, approved and confirmed.

"Excess Indebtedness Fund."

Acts legalized.

Section 4. If at such election a majority of the votes are cast "For the Tax," the city council shall

City Council to order warrants issued.

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within thirty days hereafter order and direct warrants to be issued in the place and in lieu of such warrants and other evidence of indebtedness as shall have been heretofore filed with the city clerk within the time hereinbefore provided and found to be correct. If in any instance the said city council shall determine that a warrant or other evidence of indebtedness so filed is incorrect, either in whole or in part, and for that reason shall refuse to direct the issuance of a warrant to be taken in lieu thereof as herein provided, the owner or holder of such warrant or other evidence of indebtedness may, within thirty days from the date of such finding by said city council, commence an action in some court of competent jurisdiction to recover judgment thereon, and any judgment recovered thereon shall have the same force and effect as if the said city council had found the same correct to the extent of said judgment; and a certified transcript of the original docket entry of such judgment filed with the city clerk shall be sufficient evidence of its rendition. Any action not so commenced within said thirty days shall be forever barred. The warrants so to be issued shall bear interest at the rate of three per cent, per annum, and shall be payable out of such "Excess Indebtedness Fund," and not otherwise. Payment upon said warrants shall be made each year within thirty days after the expiration of the time for the collection of said tax, by first applying the same to the interest then due, and the residue pro rata upon the principal of said warrants, until all of said warrants shall have been paid.

Action may be brought.

Certified transcript of Judgment to be filed with City Clerk.

Repealing clause.

Section 5. All Acts and parts of acts in conflict herewith are hereby repealed.

When act takes effect.

Section 6. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 24th 1903

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CHAPTER XVI.

An Act to Amend Section 4911, Article 6, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, Relating to the Jurisdiction of Police Courts.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4911, Article 6, Chapter 3, title 3, Part 4, of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section 4911, Art. 6, Chap. 3, title 3, Part 4, of Political Code, amended.

Section 4911. The police court has concurrent jurisdiction with the justice of the peace of the following public offenses committed within the county:

1. Petit Larceny.

2. Assault and battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill.

3. Breaches of the peace, roits (riots) affrays, committing willful injury to property and all misdemeanors punishable by fine not exceeding Five Hundred ($500) Dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment.

4. Of proceedings respecting vagrants, lewd or disorderly persons. Such offenses must be prosecuted in the name of the State of Montana.

Said police court shall have no jurisdiction of any civil cause, except as provided in Section 4912 of the Political Code of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

When act takes effect.

Approved Feby 24th 1903

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CHAPTER XVII.

"An Act to Prescribe the Method of the Publication of the Laws of the Legislative Assemblies of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Secretary of State to number bills in order of reception in Arabic numerals.

Section 1. It shall be the duty of the Secretary of State when bills passed by any Legislative Assembly of the State of Montana are filed in his office as directed in Section 271 and 272 of the Political Code, to note thereon the date of said filing and to number such bills, except resolutions, memorials and bills appropriating money, in the order of their reception by him, Chapter I, and upwards, using Arabic numerals for such numbering.

Secretary of State to have bills printed. With heading "Chapter ——" numbered from 1 upward in Arabic numerals.

Section 2. The Secretary of State, in pursuance of subdivisions 9, of Section 401, of the Political Code, shall cause such laws as are therein specified, except resolutions, memorials, and bills appropriating money, to be printed with the heading of each law,

Chapter ————.

numbered from one upward, using Arabic numerals for such numbering, and he shall omit from the laws the statement "Senate Bill No. ——" and "House Bill No. ——", and hereafter reference to the laws of any Legislative Session may be made as follows: "Chapter, ———" (giving number) of the laws of———", (giving the year in which same was exacted). Such laws shall be published in their numerical order, from 1 upwards as same have been filed in his office, and in such manner that each Section shall have a side head or marginal summary, and that the Chapter number shall appear as part of each page heading. *Provided*, that resolutions, memorials and bills appropriating money shall be printed in the latter part of the volume containing the said laws in the form and manner heretofore practised in publishing such laws. The Secre-

Reference to be made to Chapter.

Side heads.

Proviso.

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tary of State shall also have prepared and published with said laws, and bound in the same volume, a suitable index of the same, and an additional index showing what sections of the several Codes of this State have been amended, repealed, altered or changed by any of the laws published in that volume, which shall be known and designated as the "Code Index."

Index.

Additional Index.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

When act takes effect.

Approved Feby 24th 1903

CHAPTER XVIII.

An Act to amend Section Number 2528 of the Political Code of Montana, pertaining to the pensions of inmates of the Soldiers Home.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section Twenty Five Hundred and Twenty Eight of the Political Code of Montana be and is hereby amended so as to read as follows:

Section 2528 of Political Code amended.

Section 2528. That any and all persons admitted inmates of the said home shall not assign to the home, for its support, any of the pension they may receive from the General Government.

Inmates of Home not to assign pension.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in force from and after its passage and approval.

When act takes effect.

(Note by the Secretary of State.)

The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

February 24th 1903

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CHAPTER XIX.

An Act to define the word "estray" and to provide a penalty for the taking up, using or disposing of estrays upon the public domain.

Be it Enacted by the Legislative Assembly of the State of Montana:

"Estray" defined.

Section 1. The word "estray" as used in the following sections shall refer to any mare, gelding, stallion, colt, foal or filly, mule, jack, jennet, cow, ox, steer, bull, stag, heifer or calf, the owner of which cannot with reasonable diligence, be found, or any animal as above described, which is away from its accustomed range.

Taking up estray misdemeanor.

Section 2. Any Person who shall take up from the range and retain in his possession any estray animal as defined in the preceding section, or any animal as above described of which he is not the owner, or who shall in any manner restrain from liberty, work, ride or make use of any such estray animal hereinbefore described, of which he is not the owner, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment.

Penalty.

Grand Larceny.

Section 3. Any person who shall, with intent to steal, dispose of, or attempt to dispose of any estray animal hereinbefore described of which he is not the owner, shall be guilty of grand larceny.

Repealing clause and when act takes effect.

Section 4. This act shall take effect from and after its passage and all Acts or parts of Acts in conflict herewith, are hereby repealed.

Approved Feby 24, 1903

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CHAPTER XX.

An Act to amend Section 1821 of Code of Civil Procedure relating to motions and orders.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1 That Section 1821 of the Code of Civil Procedure be amended to read as follows:

Section 1821. Motions must be made in the County in which the action is brought, or in any adjoining County in the same district. In case of the absence of the judge of the district from his district, or in an action pending in which such judge is disqualified to act, such motion may be made before the judge of any adjoining district; provided there is another judge in the same district who is not disqualified to act, in which case such motion shall be made before another judge in the same district. Orders made out of Court may be made by the judge of the Court in any part of the State.

Section 1821, Code of Civil Procedure, amended.

Motions.

Absence of Judge.

Proviso.

Orders out of Court.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

When act takes effect.

Approved Feby 24th 1903

CHAPTER XXI.

"An Act providing for the payment of the indebtedness and expenses hereafter incurred by cities the indebtedness of which exceeds the limit provided in Section 6 Article XIII of the Constitution of the State of Montana, and further providing for the levy and collection of taxes for such purpose."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. All taxes heretofore levied and collected, or to be collected for municipal and administrative purposes by any city, the indebtedness of which equals

Taxes levied in excess of limit of indebtedness provided in Sec. 6 of Art. 13 of

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constitution may be used in payment of current expenses.

or exceeds the limit provided in section 6 of Article XIII of the Constitution, may be used in payment of current expenses incurred during the fiscal year for which said taxes were levied the same as though a special levy had been made for each of said purposes. And the council of any such city is hereby authorized to designate the amount of said general levy applicable to each of said purposes, and the amount so designated shall constitute a special fund for the special purpose of paying the expenses incurred for such purpose and such expenses shall be payable out of such fund and not otherwise, provided, that the aggregate of all taxes authorized, shall not exceed one (1) per cent annually upon the asssessed value of all taxable property in such city or town.

City authorized to levy special tax.

Section 2. That hereafter any city, the indebtedness of which equals or exceeds said limit, shall be authorized to levy and collect special taxes for municipal and administrative purposes, and the city council in making such levy shall designate the amount thereof for each of said purposes, and each tax, when collected, shall constitute a fund out of which the expenses incurred for the purpose for which such tax was levied shall be paid. The expenses incurred for any such purpose shall be paid out of the fund so to be provided therefor, and not otherwise.

Repealing clause

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

When act takes effect.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 24th 1903

CHAPTER XXII.

An Act to amend Section 801 of Chapter I Title 13, Of Part 1, of the Penal Code of Montana relating to Arson.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 801, Chapter 1, Title 13, Part 1, of the Penal Code be amended so as to read as follows:

Section 801, Chap., 1, Title 13, Part 1, of Penal Code, amended.

Section 801. Any house, edifice, structure, vessel, railroad car, tent, camp wagon, sheep wagon, or other erection capable of affording shelter or appurtenant to or connected with an erection so adapted, is a "building" within the meaning of this Chapter.

"Building" defined.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause

Section 3. This Act shall be in full force and effect from and after its passage and approval.

When act takes effect.

Approved Feby 24th 1903

CHAPTER XXIII.

"An Act to amend Section 1861 of the Political Code of the State of Montana Relating to the course of Study in Public Schools."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 1861, Article 8, Chapter 6 of the Political Code be amended so as to read as follows:—

Section 1861, Art. 8, Chapter 6 of Political Code amended.

Section 1861.

All common schools shall be taught in the English language. And instructions shall be given in the following branches. Viz:—Reading, Penmanship, Written Arithmetic, Mental Arithmetic, Orthography, Geography, English Grammar, Physiology and Hygiene. With special reference to the effect of alcoholic stimulants and Narcotics on the human system.

Schools to be taught in English language.

Branches.

Alcholic stimulants.

Narcotics.

History of the United States and of Montana.

History.

Also a system of humane treatment of animals as embodied in the laws of Montana.

Humane treatment of animals.

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Length of lesson.

Such instruction to consist of, at least, two (2) lessons of not less than ten minutes each per week.

Principal or teacher to report.

The principal or teacher in every school shall certify in each of his or her reports that such instruction has been given in the school under his or her control.

Manners. Health. Exercise. Ventilation.

Attention must be given during the entire school course to the cultivation of manners. To the laws of health. Physical exercise. Ventilation and temperature of the school room.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When act takes effect.

This Acts shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby 24th 1903

CHAPTER XXIV.

An Act to amend Sections 3033 and 3039 of the Political Code, Relating to Sheep Inspectors and Their Deputies.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 3033 of Political Code amended.

That section 3033 of the Political Code be, and the same is hereby amended so as to read as follows:

Duty of Deputy Inspector in regard to diseased sheep.

Section 3033. Upon receipt of information, in writing, of any of the facts mentioned in the preceding section, the deputy inspector must immediately cause the diseased sheep and all sheep running in the same flock with them, to be examined, and if found diseased, to be quarantined and held within a certain limit or place, to be defined by him, and such sheep must be by the deputy inspector held in quarantine until such deputy inspector has eradicated or caused

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to be eradicated such scab or infectious disease. (It shall be the duty of the deputy inspector to have personal charge and control of the work of eradicating such scab or infectious disease.) The expense of feeding, holding, dipping, marking and taking care of all sheep quarantined under the provisions of this Article must be paid by the owner, agent or person in charge of such sheep.

Expense of feeding, etc., to be borne by owner.

Section 2.

The Section 3039 of the Political Code be, and the same is, hereby amended so as to read as follows:

Section 3039 of Political Code amended.

Section 3039. The deputy inspector in each county shall receive for his services while necessarily employed in inspecting, dipping, treating, or caring for sheep having scab or other infectious disease the sum of eight dollars per day, which shall include all travelling expenses of whatever kind or nature incurred in going to and from the place where such inspection is had, and the time employed in dipping, treating, and caring for same. When a deputy veterinary surgeon, as provided for in section 3018, is permanently located in a county it is his duty to perform the duties imposed in this Article upon the deputy inspector, and for his services he shall receive the same compensation as the deputy inspector, which must be paid in the same manner, "And all claims for services against the Sheep Inspector Indemnity Fund shall be audited and approved by the President and Secretary of the Board of Sheep Commissioners."

Compensation of Deputy Inspector.

Claims to be approved by President & Secretary of Board.

Section 3.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When act takes effect.

Approved Feby 24th 1903

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CHAPTER XXV.

"An Act to amend section 2345 of the Political Code of Montana relative to taking the annual census of the Deaf, Blind and Feeble Minded of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 2345 of Political Code amended.

Section 1. That Section 2345 of the Political Code of the State of Montana be amended to read as follows:

School District Clerks to report to County Superintendent annually information as to Deaf, Blind and Feeble-minded persons.

Section 2345: The School district clerks of each county in this State shall annually report to the county superintendent of schools on or before the 20th day of September the names, ages and post office addresses, and the names of parents and guardians, of every deaf or blind or feeble minded person, between the ages of Five (5) and Twenty One (21) years, residing in said school district, including all who are too deaf or too blind to obtain an education in the public schools; and any District Clerk failing to furnish such list within the time specified herein shall be guilty of a misdemeanor and shall be liable to a fine of not

Failure to furnish list misdemeanor.

Penalty.

ness than Five ($5.00), nor more than ($25.00) for each offense. The County Superintendent of schools shall on or before the first (1st) day of October of each year, send a complete list of the names, ages and addresses of all such persons in their county to the superintendent of the School for the Deaf and Blind, Boulder, Montana.

County Superintendent to send list to State School.

When act takes effect.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby 24th 1903

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CHAPTER XXVI.

An Act to amend Subdivision 15 of Section 1797 of the Political Code as amended by Session Laws of 1901—Relating to Public Schools.

Be it Enacted by the Legislative Assembly of the State of Montana:

That Subdivision 15 of Section 1797 of the Political Code as amended by the Legislative Assembly of 1901 be amended so as to read as follows:—

Subdivision 15, Section 1797 of Political Code as amended by Legislative Assembly of 1901, amended.

Section 1.

Whenever a pupil residing in one district desires to attend school in another district, such pupil shall be permitted to do so; Provided, that the board may refuse pupils from such districts upon the ground of insufficient room: and Provided further, that any board or trustees may in their discretion, transfer school monies due by apportionment to such pupils to the district in which they may attend school.

Pupils may change from one district to another.

School monies may be transferred.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When act takes effect

Approved Feby 24th 1903

CHAPTER XXVII.

An Act to amend Section 1897, of Part II, Title XIV, Chapter VII of the Code of Civil Procedure of Montana, relating to the extension of the time within which an Act is to be done.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 1897 of Part II, Title XIV, Chapter

Section 1897, Part 2, Title 14, Chap. 7, Code of Civil Procedure, amended.

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VII, of the Code of Civil Procedure of Montana be, and it is hereby, amended so as to read as follows:

Section 1897.

Extension of time.

When an Act to be done, as provided in this Code, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties or the preparation of statements, or of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal, the time allowed by this Code may be extended, upon good cause shown, by the Court in which the action is pending, or a judge thereof; but such extension shall not exceed ninety days without the consent of the adverse party.

Approved Feby 24th 1903

CHAPTER XXVIII.

An Act entitled An Act to amend Section 3480 of an Act of the Sixth Legislative Assembly of the State of Montana, entitled: "An Act Relating to the Appraisal, Sale and Leasing of State Lands, Repealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520 3521, 3733, of the Political Code of the State of Montana, and substituting therefor certain sections to be numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507," approved March 1, 1899.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 3480 of 6th Legislative Assembly relating to State Lands, approved Mar. 1, 1899, amended.

Section 1. That Section 3480 of an Act of the Sixth Legislative Assembly of the State of Montana, entitled: "An Act Relating to the Appraisal, Sale and Leasing of State Lands, Repealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487,

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3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3733, of the Political Code of the State of Montana, and substituting therefor certain sections to be numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, approved March 1, 1899, be amended so as to read as follows:

Purchaser of Land.

Section 3480. Within twenty-four hours after such sale, the purchaser of each lot or tract shall pay to the Register of the State Land Office the amount of the first payment, and shall execute a bond conditioned for the payment of the balance of the purchase money to the State of Montana in fourteen equal annual payments, with interest at the rate of five per cent. per annum. And each lessee shall, within a like period. pay to the Register the first year's rental, and shall deliver to him a good and sufficient bond, executed by said lessee and two sureties, the amount of whose taxable property shall be certified by the county clerk and recorder of the county wherein their property is situated, the condition of which bond shall be that each lessee will keep and perform all covenants and agreements contained in his lease, and the Register shall, upon such payment and the delivery of such bond, execute and deliver to such purchaser or lessee a certificate of purchase or lease, as the case may be. If any purchaser or lessee refuses or neglects to make such payment or deliver his bond as above provided, he shall forfeit the sum of one hundred dollars with costs of suit, and the Attorney General shall institute a suit for the recovery thereof in the name of the State of Montana.

Lessee of Land

Duty of Register.

Action in name of State.

Repealing clause.

Section 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 25th 1903

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CHAPTER XXIX.

An Act to amend Sections 1652 and 1656 of Chapter V, Title III, Part III of the Political Code of Montana relating to the State Normal School.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 1652 of Political Code amended.

That Section 1652 of the Political Code of the State of Montana be and the same is hereby amended so as to read as follows:—

Section 1652.

"Montana State Normal College" established at Dillon.

That there be and is hereby established within two miles of the corporate limits of the City of Dillon, Beaverhead County, Montana, a state normal school, which shall be called the "Montana State Normal College."

Section 2.

Section 1656 of Political Code amended.

That Section 1656 of the Political Code of the State of Montana be and the same is hereby amended so as to read as follows:—

Section 1656.

Governor to appoint Executive Board.

The Governor, by and with the advice and consent of the State Board of Education, may designate and appoint an executive board, consisting of five members, at least three of whom shall be residents of the County wherein the said institution is situated, which executive board shall have the immediate direction and control of the affairs of said school, subject only to the general supervision of the State Board of Education, and such executive board shall serve during the term of four years, unless sooner removed by the Governor. Providing that no member of the Executive Board shall be permitted to have a personal interest in any contracts or purchases said Board shall make for furnishing equipment or supplies. The Executive Board is authorized to choose and appoint a President

Power of Board.

Term.

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and faculty of said school, who shall serve as such for such time and receive such compensation as the executive board may prescribe, subject however at all times to the approval of the State Board of Education. The Executive Board shall appoint a secretary thereof, who may also act as treasurer of the said board, and who may not be a member thereof, and such secretary and treasurer shall give a bond with good and sufficient surety for the faithful performance of his duties as such, and for the faithful accounting for and paying over to the said State Board of Education, to and for the use of said school, all moneys received by him as treasurer, in such sum as said State Board of Education may prescribe. The said State Board of Education is hereby authorized and empowered to accept for and on account of, and for the use and benefit of the said Normal School, any bequests and donations to the State, made for the use and benefit of said school. The said State Board of Education shall, upon the recommendation of the faculty of said school, confer the degree of bachelor of pedagogy upon such persons as shall complete a four years course of study in said school, and the degree of master of pedagogy upon such persons, already holding the bachelor's degree, as shall complete a postgraduate course of one year in said school.

Secretary of Board to act as Treasurer.

Bond of Treasurer.

Bequests.

Confer degree of Bachelor of Pedagogy.

Section 3.

Nothing herein contained shall in any wise effect or change the purpose or objects of said school or the land grant made for the the support thereof.

Limitation.

Section 4.

This Act shall be in full force and effect from and after its passage and approval.

When act takes effect.

(Note by the Secretary of State.)

The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

February 25th 1903

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CHAPTER XXX.

An act to amend sections 4811 and 4812 of Article IV of Chapter III, Title III, Part IV of the Political Code of the State of Montana, relating to the legislative powers of cities and towns.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 4811, Art. 4, Chap. 3, Title 3, Part 4, of Political Code, amended.

That Section 4811 of Article IV of Chapter III, Title III, Part IV of the Political Code of the State of Montana be amended so as to read as follows:

"Section 4811. All accounts and demands against a city or town must be submitted to the council and if found correct must be allowed and an order made that the demand be paid, upon which the mayor must draw a warrant upon the treasurer in favor of the owner specifying for what purpose and by what authority it is issued, and out of what funds it is to be paid, and the treasurer must pay the same out of the proper fund; Provided, however, that in case the total indebtedness of a city or town has reached the limit of three per cent provided in section 6 of Article XIII of the Constitution of the State of Montana it shall be lawful for, and said city or town is hereby authorized and empowered to thereafter manage and conduct its business affairs on a cash basis, and pay the reasonable and necessary current expenses of the city or town out of the cash in the city or town treasury and derived from its current revenues; under such restrictions and regulations as the city or town council may by ordinance prescribe, and in the event that payment be made in advance, the city or town shall have power to require a cash deposit as collateral security and indemnity equal in amount to such payment and may hold the same as a special deposit with the city treasurer, in package form as a pledge for the fulfillment and performance of the contract or obligation for which said

Legislative Powers of Cities and Towns.

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advance shall have been made; and Provided, further, that before the payment of the current expenses above mentioned the city or town council shall first set apart sufficient moneys to pay the interest upon its legal, valid, outstanding bonded indebtedness and any sinking funds therein provided for, and shall be authorized to pay all valid claims against funds raised by tax especially authorized by law for the purpose of paying such claims."

Section 2.

That section 4812 of Article IV of Chapter III, Title III, Part IV of the Political Code of the State of Montana be amended so as to read as follows:

Section 4812, Art. 4, Chap. 3, Title 3, Part 4, Political Code, amended.

"Section 4812. All accounts and demands against a city or town must be presented to the council duly itemized and accompanied by an affidavit by the party or his agent, stating the same to be a true and correct account against the city or town for the full amount for which the same is presented, and that the same accrued as set forth, and with all necessary and proper vouchers, within one year from the date the same accrued; and any claim or demand not so presented within the time aforesaid is forever barred, and the council has no authority to allow any account or demand not so presented, nor must any action be maintained against the city or town for or on account of any demand or claim against the same, until such demand or claim has first been presented to the council for action thereon; provided, however, that in case the total indebtedness of a city or town has reached three per centum of the total assessed valuation of the taxable property of such city or town, as ascertained by the last assessment for state and county taxes, it shall be lawful for, and such city or town is hereby authorized and empowered to conduct its affairs and business on a cash basis as provided and contemplated by Section I of this act."

Same.

Section 3.

Repealing clause.

That all acts and parts of acts in conflict herewith are hereby repealed.

Section 4.

When act takes effect

This act shall take effect and be in force from and after its passage and reproval (approval).

Approved Feby 25th 1903

CHAPTER XXXI.

An Act to amend Section 2389 of Article I, Chapter III, Title V of Part III of the Political Code of the State of Montana, so far as the same relates to the State Law Library.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 2389, Art. 1, Chap. 3, Title 5, Part 3, Political Code, amended.

That Section 2389 of Article I, Chapter III, Title V, of Part III of the Political Code of the State of Montana be and the same is amended so as to read as follows:—

Section 2389.

Fund of law library.

1. The fund of the law library department of the state library consists of twenty per cent of all fees collected and paid into the State Treasury by the Clerk of the Supreme Court, and any appropriations especially made for this department by the legislative assembly; if any part of said fund be not expended in any year, shall balance shall not be covered back in the general fund at the end of the fiscal year, but the same shall be reserved and set apart as a surplus fund for the purchase of books for the law library, and the board of trustees of the law library department of the State library is hereby empowered and authorized to draw from the State Treasury, at any time when needed for the purchase of additional books, any moneys belonging to said surplus fund.

Surplus fund.

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2. The fund of the historical and miscellaneous department of the state library consists of the receipts from the sale of any of its publications authorized to be sold and of any appropriations especially made in its behalf by the legislative assembly. Fund of Historical and miscellaneous library.

Section 2.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealing clause.

Section 3.

This Act shall be in full force and effect from and after its passage and approval of the Governor. When act takes effect.

Approved Feby 26th 1903

CHAPTER XXXII.

An Act to amend Section 451 of the Civil Code relating to annual reports of corporations.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 451 of the Civil Code be amended to read as follows: Section 451, Civil Code, amended.

Section 451. Every Corporation having a capital stock, shall annually, and within twenty days from and after the thirty first day of December, make a report which shall state the amount of the capital and proportion thereof actually paid in and the amount of existing debts, and which shall be signed by the President, and a majority of the directors inclusive of the President and shall be verified by the oath of the President, Vice President or Secretary of such corporation; and shall be filed in the office of the Clerk of the County where the principal office or place of business of the corporation shall be located. Annual report.

If any such corporation shall fail so to do, all the directors of the corporation shall be jointly and sever- Liability for failure to file report.

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ally liable for all debts of the corporation then existing or which may be thereafter contracted until such report shall be made and filed; Provided, however, that if within ten days after such failure, a director or directors shall make and file as aforesaid an affidavit or affidavits stating that the failure was due to no fault or neglect of his, or theirs, and stating also that within the said twenty days, he or they requested the President or sufficient number of the other directors whose residence was known to the affiants to join with them in making report, such director or directors shall not be liable under this section.

Proviso.

If the required report be made and filed after the time herein specified the directors shall not, on account of the prior failure to make report, be liable for the debts thereafter contracted.

Approved Feby 26. 1903

CHAPTER XXXIII.

An Act to amend Section 1892, of Title VI, of Chapter I, of Part II, of the Penal Code of the State of Montana, relating to the appointment of Counsel in criminal cases and their compensation, where the accused is unable to employ same.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 1892, Title 6, Chap. 1, Part 2, Penal Code, amended.

That Section 1892, Title VI, of Chapter I, of Part II, of the Penal Code of the State of Montana, be and the same is hereby amended so as to read as follows:

Section 1892. Whenever, in a criminal action or proceeding in the District Court, an attorney at law defends a person charged with any offense, by order of the court, on the ground that the accused is unable to procure or employ counsel, the county in which such criminal action or proceeding may have arisen,

County liable to pay attorney of Indigent Prisoner.

is liable to pay such attorney for his services such sum as the judge certifies to be a reasonable compensation therefor, not to exceed, in any capital case, the sum of one hundred dollars; in other cases of felony a sum not exceeding fifty dollars; and in all other cases a sum not exceeding twenty five dollars. Compensation.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause

Section 3.

This Act shall be in full force and effect from and after its passage and approval. When act takes effect.

Approved Feby 26th 1903

CHAPTER XXXIV.

An Act to provide for the settlement of bills of exception taken before or after trial in criminal cases and to provide for the review by the Supreme Court on appeal of proceedings, evidence and matters contained in such bills of exception.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Whenever a party desires to have the exceptions which were taken or deemed to be taken either before or after the trial, settled in a bill, the draft of a proposed bill must be prepared by him and presented, upon notice of at least two days to the adverse party, to the judge for settlement, within ten days after the order or ruling excepted to is made, unless further time is granted by the judge of the district court, or within that period the draft must, upon such notice of at least two days, be delivered to the clerk of the district court for the judge. When received by the clerk he shall deliver it, together with any amendments proposed or objections thereto, to the judge, or trans- Bill of exceptions to be presented to Judge. Notice. Clerk of Court.

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mit it, with such amendments and objections, to him as soon as may be, and, when settled, the bill must be signed by the judge and filed as part of the record of the case.

Section 2.

Method of preserving for review by Supreme Court.

The only method of preserving for review by the Supreme Court on appeal, any proceeding, evidence or matter not designated by the Penal Code as part of the record on appeal without bill of exceptions, shall be by bill of exceptions prepared and settled under either Section 2171 of the Penal Code or this Act, as the one of the other may be appropriate; thus (for example) the following mentioned papers and matters must be included in such a bill if the party aggrieved would have them reviewed; Motions to set aside an indictment or information, with the matter in support thereof not otherwise appearing of record; demurrers to indictments or information;—Motions for new trials, together with the matter in support thereof; including affidavits used thereon; Motions in arrest of judgment; Matters (not otherwise of record) upon which an order made after final judgment is based; motions for change of venue or continuance, together with the matter in its support and in opposition, if not otherwise of record; and the like.

Example.

Additional papers.

In addition to the papers which Section 2281 of the Penal Code requires him to transmit by copy to the clerk of the Supreme Court, the clerk of the district court must, upon a written praecipe therefor, also transmit within the time prescribed by said section, as part of the record on appeal, all bills containing exceptions taken by the party appealing before or after the trial.

Section 3.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4.

When act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 26th 1903

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CHAPTER XXXV.

An Act to prohibit unlawful carrying of concealed weapons, to provide penalties for violations of this act and to define the meaning of the term concealed weapons.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Carrying weapons concealed or partially concealed about person.

Any person in this State who shall carry concealed or partially concealed on or about his person any revolver, pistol, dirk, dagger, slung shot, sword cane, or knuckles made of any metal or any hard substance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty five nor more than two hundred dollars, or by imprisonment in the County jail not less than ten nor more than thirty days, or by both such fine and imprisonment.

Penalty.

Section 2.

Reservation.

The preceeding section shall not apply to a person in actual service as a militiaman, nor to a police officer or policeman, or person summoned to his aid nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on one's own premises, or place of business.

Carrying weapons in certain places.

Section 3. If any person shall go into any church or religious assembly, any school room or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind, or into a ball room, social party, or social gathering, or to any election precinct or any place of registration, on the day or days of any election or registration, where any portion of the people of the State are collected to register or vote at any election, or to any other place where people may be assembled to perform any public duty, or at any public assembly, and shall have or carry concealed or partially concealed about his person a

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pistol or other firearm, dirk, dagger, slung shot, sword cane, knuckles, or bowie knife, he shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Penalty.

Section 4.

The preceding section shall not apply to peace officers or other persons authorized or permitted by law to carry arms at the places therein designated. "And any District Judge of any judicial district of the State of Montana, may, upon satisfactory proof being produced before him of the good moral character and peaceable disposition of any person, grant permission to such person to bear concealed or otherwise a "pistol" or "revolver" for such a period of time as such judge may deem necessary."

Reservation.

Permit of District Judge.

Section 5.

Any person violating any of the provisions of sections one and three of this act may be arrested without warrant by any peace officer and carried before the nearest justice of the peace for trial: and any peace officer who shall fail or refuse to arrest such person on his own knowledge, or upon information from some creditable person, shall be punished by a fine not exceeding five hundred dollars.

Arrest.

Peace officer failing to arrest.

Penalty.

Section 6.

The term concealed weapons shall be taken to mean any weapon mentioned in the foregoing sections which shall be wholly or partially covered by the clothing or wearing apparel of the person so carrying the weapon.

"Concealed weapon" defined.

Section 7.

The provisions of this Act shall not apply to or be in force in any county which the governor may designate by proclamation as a frontier county and liable to incursions by hostile Indians.

Act not to apply to county designated by proclamation by Governor.

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Section 8.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause

Section 9.

This Act shall take effect and be in force from and after its passage and approval. When act takes effect.

Approved Feby 27th 1903

CHAPTER XXXVI.

An Act to amend Section 402 of the Code of Civil Procedure, and to confer upon the Supreme Court exclusive jurisdiction of proceedings and prosecutions for the disbarment or suspension of Attorneys and Counselors at Law; to provide for appeals to the Supreme Court from judgments rendered by District Courts in such cases; to provide for a stay of such judgments pending appeals therefrom, and to regulate the proceedings on the trial of such appeals.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 402 of the Code of Civil Procedure be amended so as to read as follows: Section 402, Code Civil Procedure, amended.

Section 402.

The Supreme Court of the State shall have exclusive jurisdiction to remove or suspend Attorneys and Counselors at law, and an Attorney and Counselor may be removed or suspended, for either of the following causes, arising after his admission to practice. Supreme Court has exclusive jurisdiction of disbarment proceedings. Causes.

1.

His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction is conclusive evidence. Conviction of felony or misdemeanor. Record of conviction conclusive evidence.

2.

Wilful disobedience or violation of an order of the Disobedience of order of Court.

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Court requiring him to do or for bear an act connected with, or in the course of his profession, which he ought in good faith to do or for bear, and any violation of the oath taken by him, or of his duties as such attorney and Counselor.

Violation of oath or duties.

3.

Corruptly or wilfully and without authority appearing as attorney for a party to an action or proceeding.

Appearing as attorney without authority.

4.

Lending his name to be used as Attorney and Counselor by another person who is not an Attorney and Counselor.

Lending name.

5.

Being guilty of deceit, mal-practice, crime or misdemeanor, involving moral turpitude, "provided, however, that the provisions of this Section shall not abate any proceedings now pending, but the same may be proceeded with until final determination in the court wherein such action is pending:"

Deceit, mal-practice, crime or misdemeanor.

Proviso.

Section 2.

In all cases of judgments of disbarment or suspension rendered in any district court of this State before or after this Act takes effect, an appeal may be taken from any such judgment within one year from the entry thereof, to the Supreme Court, and on such appeal the proceedings shall be tried and determined anew upon the record of the Court below, and such other evidence as the Supreme Court, in its discretion shall permit to be presented, and the Supreme Court shall render judgment in such proceeding, which judgment shall be final; the taking and perfecting of such appeal from a judgment of a District Court shall operate as a supersedeas and suspension of such judgment until the final determination of such proceeding by the Supreme Court; and such appeal shall be advanced for hearing in the Supreme Court and heard without delay therein.

Appeal.

Appeal to operate as stay.

Appeal to be advanced.

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Section 3.

All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 4.

This Act shall be in full force and effect immediately from and after its final passage. When act takes effect.

Approved Feby. 27, 1903

CHAPTER XXXVII.

An Act to prevent the wil-ful and malicious killing or maiming of live stock, and the placing of any poison or poisonous substance upon the range, or elsewhere, and prescribing punishment.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Every person who wil-fully and maliciously kills or maims any live stock of whatsoever kind, character or description, not his own, by whatsoever means, or who willfully and maliciously places upon the public ranges or "any other lands except his own enclosed tract or tracts," any poison, poisonous substance, or other thing known to be injurious or harmful, or likely to produce the death of any live stock of whatsoever kind, character or description, not his own, is guilty of a felony, and upon conviction shall be punished by not less than one nor more than ten years imprisonment in the State Prison. This Act is not intended to prevent or restrict the right of any person to use poison in carcasses or bait on the public range, for the purpose of poisoning coyotes, wolves or other animals destructive to live stock.

Wilful and malicious killing of live stock.

Placing injurious substance on Public Range.

Felony.

Penalty.

Intention of Act.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

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Section 3.

When act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 27, 1903

CHAPTER XXXVIII.

An Act to amend Sections 6, 12 and 14 of an Act entitled, "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a state game and fish warden, deputy game and fish wardens and special deputy game and fish wardens and defining their powers and duties and providing for their compensation, "approved March 18, 1901.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 6 of an Act to repeal Sections 3100 to 3114 inclusive. amended.

That Section 6 of an Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a state game and fish warden, deputy game and fish wardens and special deputy game and fish wardens and defining their powers and duties and providing for their compensation be and the same is hereby amended so as to read as follows:—

"Section 6.

Compensation of Game Warden.

The compensation of the state game and fish warden shall be at the rate of Eighteen Hundred ($1800.00) Dollars per. annum, payable in monthly installments at the end of each month; he shall be paid for all actual and necessary travelling expenses and other actual and necessary expenses pertaining to his

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office, but such expenses shall not exceed $1500.00 per. annum." Expenses.

Section 2.

That Section 12 of said Act be and the same is hereby amended so as to read as follows: Section 12 of said act amended.

"Section 12. The special deputy game and fish wardens appointed by the state game and fish warden shall receive as compensation for their services, pay at the rate of Twelve Hundred ($1200.00) Dollars per. annum, which shall be in full for their services and expenses incurred in their own districts, the same to be made in monthly payments at the end of each month; provided, that in any case where it shall become necessary in the performance of his official duties for the state game and fish warden or any special deputy game and fish warden appointed under the provisions of this act, to perform any service such as might be performed by a sheriff or other peace officer, he shall be entitled to receive for his own use and benefit the same fees and "five cents per. mile travelled in the performance of his duties," within his own district as if such service were performed by the sheriff of the county in which the service is performed, such fees and mileage to be paid out of the State Fish and Game Fund when approved by the State Board of Examiners." Compensation of special deputy game wardens.

Section 3.

That Section 14 of said act be and the same is hereby amended so as to read as follows: Section 14 of said Act amended.

"Section 14. There is hereby created a fund to be known as the Fish and Game fund; and all fines and licenses and other moneys collected under any of the provisions of the Game and Fish laws shall be paid to the State Treasurer and by him placed in the Fish and Game Fund." Game and Fish fund

Section 4.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

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Section 5.

When act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 28th 1903

CHAPTER XXXIX.

An Act entitled An Act to provide suitable burial for deceased soldiers, sailors, and marines.

Be it Enacted by the Legislative Assembly of the State of Montana:

County Commissioners to designate person to bury soldier sailor or marine.

Section 1. That it shall be the duty of the board of county commissioners of each county in this State to designate some proper person in the county, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor or marine, who shall have served in the army or navy of the United States, who may hereafter die without leaving sufficient means to defray funeral expenses. Such burial shall not be made in any burial ground or cemetery, or in any portion of such burial ground or cemetery used exclusively for the burial of pauper dead,

Proviso.

Provided the expense of each burial shall not exceed the sum of fifty dollars.

County of residence of deceased to pay burial expenses.

Section 2. The expenses of such burial shall be paid by the County in which such soldier, sailor or marine dies, but if such deceased person has a residence in another county in this state than the one paying the expenses, the county of his residence shall refund the money advanced by the county where he died. Expenses of such funeral shall be audited and paid as other expenses are audited and paid by the county.

Duties of person designated.

Section 3. It shall be the duty of the person appointed as provided in section one of this Act before he assumes the charge and expenses of any such burial to first satisfy himself by a careful inquiry into all the circumstances of the case that the family of such de-

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ceased person, if he had any at the time of his decease residing in such county, is unable for want of means to defray the cost of such burial or funeral, and if he finds such inability existing he shall cause such deceased person to be buried as provided in this Act, and he shall immediately report his action to the Clerk of the board of County Commissioners, setting forth all the facts together with the name, rank and command as far as is known to which deceased belonged as such soldier, sailor or marine, the date of death, place of burial and his occupation while living, and also an itemized statement of the expenses incurred by reason of such burial.

Duty of County Clerk.

Section 4. It shall be the duty of the Clerk of the Board of County Commissioners upon receiving the report and statement of expenses provided for in this Act to transcribe in a book to be kept for that purpose all the facts contained in such report concerning such soldier, sailor or marine. It shall also be the duty of said clerk upon receiving the report of the burial of such deceased person to make application to the proper authorities under the Government of the United States for a suitable headstone, as provided by Act of Congress, and to cause the same to be placed at the head of the grave of such soldier, sailor or marine, the expense of which shall not exceed the sum of ten dollars for cartage of and properly setting up each stone. The expense thus incurred shall be audited and paid as provided in section two of this Act for the burial expenses.

No compensation.

Section 5. The person appointed as provided in section one of this Act shall not receive any compensation for any duties he may perform in compliance with this Act.

Act not to apply to person dying in Soldier's Home.

Section 6. This Act shall not apply to such soldiers, sailors or marines as may hereafter die in the State Soldier's Home in this State.

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When act takes effect.

Section 7. This Act shall be in force and effect on and after its passage.

Approved Feby 28, 1903

CHAPTER XL.

An Act to amend Section 2471 of the Political Code, relating to the State Orphan's Home and adding thereto, Sections 2495, 2496, 2497, 2498, 2499, and 2500, relating to the duties of County Superintendents of Schools, the admission of children to the State Orphan's Home, their discharge therefrom and the commitment of incorrigible children to the State Reform School.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 2471, Political Code, amended.

Section 1. Section 2471 of the Political Code shall be amended so as to read as follows:

Who admitted to home.

Section 2471. Every orphan, foundling or destitute child, under twelve years of age, of sound mind and body, shall be entitled to be received into said Home at the expense of the State. Children over twelve years of age and under sixteen years of age and children with slight physical defects may be admitted to the Home, if deemed advisable by the Board of Trustees. The Board of Trustees shall have the power to return to any county and at the expense of that county any child forwarded to the Orphan's Home, provided it is ascertained that such child is not a proper subject for said institution.

Power of Board.

Section 2485, Political Code, amended.

Section 2. Section 2495 shall read as follows:

County Superintendent of Schools agent of Board.

Section 2495. The County Superintendent of Schools of each county in the State, is hereby made the agent of the Board of Trustees of the State Orphan's Home, and as such agent, it shall be his duty, under such rules and regulations as shall be prescribed by the Board of Trustees, to see that the conditions upon

Duty of Agent.

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which any child taken from said Orphan's Home are complied with by persons in his county who adopt or undertake with the consent of said Board of Trustees to nurture, care for, maintain or educate and such child; and he shall on the first Saturday in October in each year make a report to said Board of the condition and surroundings of all such children in his county and of all other facts relating thereto as may be required by said Board.

Report of Agent.

Section 3. Section 2496 shall read as follows:

Section 2496, Political Code, amended.

Section 2496. Such County Superintendent shall keep a record, in a book to be kept in his office, and open to public inspection, in such form as shall be prescribed by said Board of Trustees of said Orphan's Home, and of all children placed in said Orphan's Home from the county, and of all children adopted or let out from said home, with the consent of said Board, by residents of his county.

Record of Agent.

Section 4. Section 2497 shall read as follows:

Section 2497, Political Code amended.

Section 2497. When it is desired to place any child in said Orphans Home, application shall first be made to such County Superintendent of Schools, who shall make a full and complete investigation of said application and the facts and circumstances relating thereto, and make a written report to the Chairman of the Board of County Commissioners of his county, giving the results of his investigation; which report shall accompany the application of the Board of Commissioners for the admission of such child. Said report shall be upon blanks to be furnished by the Board of Trustees of said Orphan's Home.

Application for admission to Home.

Section 5. Section 2498 shall read as follows:

Section 2498, Political Code, amended.

Section 2498. Whenever in divorce proceedings the District Court shall deem the parents improper persons to have the care, custody or control of the children of the marriage or whenever the abuse of parental authority shall be established by an action brought for that purpose the court may order the child or children

Court may order children of divorced parents committed to Home.

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committed to the State Orphan's Home, and may order the parents to pay such sum or sums of money as under their circumstances shall be just, by discretion of the court, and to be paid monthly to the State to defray the expenses of such child or children in the home; and such sum or sums so paid shall be credited to the general fund of the State Orphan's Home.

May order parents to pay expenses of children at Home.

Section 2499, Political Code, amended.

Section 6. Section 2499 shall read as follows:

Section 2499. After any child shall have reached the age of sixteen years, the Board of Trustees may discharge him from the home or return him to the county from whence he came; having always in mind due regard for his welfare in so doing.

Discharge.

Section 2500 Political Code, amended.

Section 7. Section 2500 shall read as follows:

Section 2500. When ever any child, an inmate of the Orphan's Home, shall be incorrigible, or shall by continuous vicious or immoral conduct be a menace to the welfare of the other wards of the Home, the Superintendent under the direction of the Board of Trustees shall make complaint to the County Attorney who shall thereupon bring proceedings in the District Court against such accused child, and if in the opinion of the District Judge such charges are sustained by competent evidence he shall order the accused committed to the State Reform School. The provisions of Title III, Part III, of the Penal Code relating to the State Reform School shall be applicable to this Section.

Incorrigable child committed to Reform School.

Provisions of Title 3, Part 3 of Political Code applicable.

When act takes effect.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 28. 1903

(Note by Secretary of State.)
The enrolled bill received by this office was not signed by the President of the Senate.

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CHAPTER XLI.

An Act entitled, "An Act to prevent the malicious cutting, tearing down, or in any other manner interfering with or injuring fence or other enclosure on private lands, and prescribing a penalty for the violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Wilful and malicious destruction or injury to fence or enclosure, misdemeanor.

Section 1. Every person who wilfully and maliciously cuts, tears down, removes, or in any other manner injures or destroys any fence or other enclosure of lands, other than public, belonging to another, is guilty of a misdemeanor, and upon conviction is punishable by a fine not less than Twenty-five dollars nor more than Two Hundred dollars, or by imprisonment in the county jail not less than thirty days or more than six months, or by both such fine and imprisonment.

Penalty.

Repealing clause.

Section 2. All Acts and parts of acts in conflict herewith are hereby repealed.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 28 1903

CHAPTER XLII.

An Act to Provide for the designation and appointment of a District Judge to temporarily hold court in another district than his own, and to perform the official duties of the District Judge of such District where such Judge is biased or prejudiced or for any cause disqualified from performing the same.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

When a party to a civil action or proceeding pending

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in any District Court of the State has reason or cause to believe that such party cannot obtain a fair and impartial trial or determination of such action or proceeding, or of any motion, or application therein made, by reason of the bias or prejudice, arising from any cause, of the district judge presiding in the court, or any department thereof where such action, proceeding, motion or application is pending, or where such judge so presiding is, from any other cause, disqualified from acting therein, such party or his attorney may first request the Judge of the District Court wherein such action, proceeding, motion or application is pending, to sign a petition addressed to, and asking, the Supreme Court without stating grounds therefor, to designate and appoint a judge of some other judicial district of this state to hear, try and determine such action, proceeding, motion or application, and if such petition be signed by the District Judge to whom the same is presented, the Supreme Court shall on presentation thereof make an order designating and appointing the judge of some judicial district of this state to hear, try and determine such action, proceeding, motion or application as in this act provided; but if the district judge to whom such petition is presented refuse, or for the period of three days fails, to sign said petition, the party on whose behalf the same is presented may by a petition verified by the affidavit of petitioner or his agent or attorney setting forth such bias or prejudice or other grounds of disqualification and the facts upon which the same is based, and the failure or refusal of the Judge of the District Court or department thereof wherein such action, proceeding, motion or application is pending to sign a petition for the appointment of another Judge as hereinabove provided, petition the Supreme Court, or the justices thereof, to designate and appoint a district judge of some other judicial district of this state, to act in such cause; and the Supreme Court, or any two

Party or attorney may request District Judge to sign petition to Supreme Court to designate and appoint Judge of another District to try or hear action or proceeding.

Upon failure of District Judge to sign petition within three days party interested may present verified petition to Supreme Court to designate and appoint District Judge of another district.

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justices thereof may upon a summary hearing of such petition in court or chambers, with any further showing which may be by the Court or justices deemed proper, make an order designating and appointing the Judge of any judicial district of this state other than that in which such action, proceeding, motion or application is pending, to appear in the district in which such action, proceeding, motion or application is pending, at some proper and convenient time and preside at the trial of such action, or other matter mentioned in the order, and to determine the same, and to do any and all judicial acts necessary, proper and lawful in and about the adjudication and determination thereof, and in and about administering proper relief therein with the same force and effect as if done or ordered by the judge of the district wherein such matter is pending.

Upon summary hearing in court or chambers Supreme Court may designate and appoint District Judge of another district to hear and determine action or proceeding.

Section 2.

Upon such order being made and filed in the action or proceeding therein mentioned the judge or judges of the district court wherein such action or proceeding is pending shall not proceed further in such action or proceeding or try or decide the same, nor do any other judicial act therein except upon consent of the parties thereto or their attorneys in writing.

After order filed District Judge not to proceed further.

Section 3.

The District Judge designated and appointed in the order of the Supreme Court in the cases in this Act provided shall have full power and authority to preside at the trial of and to try and decide such action, proceeding, motion or application mentioned in such order and to do all acts and things lawful and proper to be done, in court or at chambers, in and about the trial, adjudication, decision and granting and administering all proper and lawful remedies and relief and enforcing the same in said action, proceeding, motion or application mentioned in such order of the Supreme Court as could be done by a judge of the judicial dis-

Powers and duties of District Judge appointed.

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trict wherein such action, proceeding, motion or application is pending; and upon receiving a copy of such order of the Supreme Court it shall be the duty of the district judge therein designated and appointed, to appear at the county seat of the county in which such action, proceeding, motion or application is pending, at some proper and convenient time and try the same, but if from any cause he should fail so to do, the Supreme Court may by its order designate another district judge to do the same, who shall be vested with like powers in such action, proceeding, motion or application; provided, that neither party shall petition the Supreme Court more than once in the same action or proceeding to designate and appoint another Judge to act therein under the provisions of this Act, except in cases where the district judge previously appointed to act therein has failed from any cause so to do.

Supreme Court may make second appointment.

But one petition to be presented.

Section 4.

A district judge designated and appointed to hold court in another district pursuant to the provisions of this Act shall be paid his actual expenses, to be allowed by the State Board of Examiners and paid in the same manner as his regular salary.

District Judge appointed to be paid actual expenses.

Section 5.

This Act shall be in full force and effect from and after its passage and aproval.

When act takes effect.

(Note by the Secretary of State.)

The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

March 2nd, 1903.

CHAPTER XLIII.

An Act fixing the fees of the Secretary of State for Filing Articles of Religious Societies, Churches, Organization for religious purposes and fraternal Societies not having a Capital Stock, and not being organized for the purpose of profit.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Fees of Secretary of State for filing Articles of certain societies not having a capital stock and not being organized for profit.

Section 1. The Secretary of State shall charge and collect from each religious society, church organization for religious purposes and fraternal society not having Capital Stock, and not being organized for the purpose of profit hereafter organized, a fee of Three Dollars ($3.00) for issuing certificate, One Dollar for filing, and twenty cents (20cts) per folio for recording, and he shall make no other charge, and collect no other fee for such filing, and for his certificate issued to such Corporation.

Repealing clause

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

(Note by the Secretary of State.)

The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

March 2d, 1903.

CHAPTER XLIV.

An Act entitled, An Act for the Establishment of a Uniform System of Road Government and Administration in the Counties of the State of Montana, and to provide for the Levy, Collection and Disposition of Road Tax, and Providing Penalties for the violation of the provisions of this Act; and to repeal an Act known as "House Bill No. 280," of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code relating to the Levy, Collection, and Disposition of Road Taxes," Approved March 4th, 1897; and to repeal an Act known as "House Substitute for Senate Bill No. 38," of the Session Laws of the Sixth Legislative Assembly of the State of Montana, en-

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titled, "An Act to repeal Sections 2640, 2642, 2643 and 2680 as amended, of House Bill No. 280 of the Fifth Legislative Assembly of Montana relating to the Levy, Collection and Disposition of Road Tax, and to Provide for the Collection of a Special Road Tax," Approved March 3rd, 1899; and to repeal Senate Bill No. 71," of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled, "An Act for the Establishment for a Uniform System of Road Government and Administration in the Counties of Montana," Approved March 16th, 1901; and to repeal Sections 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848, and 2849 of the Political Code of the State of Montana.

Be it Enacted by the Legislative Assembly of the State of Montana:

ARTICLE I.

Public Highways, what are.

Section 1. All highways, roads, streets, alleys, courts, places and bridges laid out or erected by the public or now traveled or used by the public, or if laid out or erected by others, dedicated or abandon to the public, or made such by the partition of real property are public highways.

Public Highways established to continue until when.

Section 2. All public highways once established must continue to be public highways until abandoned by the Board of County Commissioners of the county in which they are situated, or by operation of law, or judgment of a court of competent jurisdiction.

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Width of Public Highways.

Section 3. The width of all public highways, except bridges, alleys and lanes, must be sixty feet unless a greater or less width is ordered by the Board of County Commissioners on petition of the persons interested. The width of all private highways and by-roads, except bridges, must be at least twenty feet. Nothing in this Act must be so construed as to increase or diminish the width of either kind of a highway already established or used as such.

Width of Private Highways.

County Commissioners to vacate highway.

Section 4. A highway laid out and worked and used as provided in this Act must not be vacated or cease to be a highway until so ordered by the Board of County Commissioners of the county in which said road may be located; and no route of travel used by one or more persons over another's land shall hereafter become a public road or byway by use, or until so declared by the Board of County Commissioners, or by dedication by the owner of the land affected.

County Commissioners to declare highway.

Duty of County Clerk.

Section 5. The County Clerk must include in the minutes of the Board of County Commissioners all proceedings of the Board relative to each road or road district, including orders for laying out, altering and opening roads; he must also keep a road book or books in which must be entered the number and name of each public highway in the county, a general reference to its terminal points and course; also the date of the filing of the petition or other paper, a memorandum of every subsequent proceeding in reference to it with the date thereof and the volume of the book or books where it is recorded.

ARTICLE II.

Rights acquired by public.

Section 6. By taking or accepting land for a highway the public acquire only the right of way and the incidents necessary to enjoying and maintaining the same subject to the regulations in this Act and the Civil Code provided.

Sidewalk.

Section 7. Any owner or occupant of land may construct a sidewalk on the highway along the line of his

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land subject, however, to the authority conferred by law on the Board of County Commissioners and the road supervisors; and any person using said sidewalk with mule, horse, or team without permission of the owner is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby.

Trespass on sidewalk.

Penalty.

County to be divided into road districts.

Section 8. The Board of County Commissioners of the several counties must divide their respective counties into suitable road districts and may change the boundaries thereof.

County Commissioners have supervision of highways.

Section 9. The Board of County Commissioners of the several counties of the state have general supervision over the highways within their respective counties. They must:

Duty of County Commissioners.

1. Provide suitable books and have recorded therein a description of all highways mentioned in this Act.

Same.

2. Cause to be surveyed, viewed, laid out, recorded, opened and worked such highways as are necessary for public convenience as in this Act provided.

Same.

3. Cause to be recorded as highways such roads as have become such by usage, dedication or abandonment to the public; also all such streets and roads as have been or may be declared such under Section 1358 of the Code of Civil Procedure of the State of Montana.

Same.

4. Abolish or abandon such as are not necessary.

Same.

5. Contract, agree for, purchase or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute or require the County Attorney to institute proceedings under Title VII, Part III, of the Code of Civil Procedure, and to pay therefor from the general road fund of the county.

Same.

6. In their discretion let out by contract the construction, maintenance, and improvements of the highways, and the construction or maintenance or the repairs of bridges, or other adjuncts to highways, when

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the amount of work to be done exceeds $200.00, order and direct the road supervisors in regard to work to be done on particular highways in their districts.

7. In their discretion cause to be erected and maintained on the highways they may designate, guide-posts properly inscribed. Same.

8. The Board of County Commissioners shall have power to do whatever may be necessary in their judgment and discretion, for the best interests of the roads and road districts of their several counties, and the road supervisor shall in all things be under the direction and control of the Board of County Commissioners. Same.

Section 10. Road supervisors under the direction and supervision of the Board of County Commissioners must: Duties of Road Supervisors.

1. Take charge of the highways within their respective districts. Same.

2. Keep them clear from obstructions and in good repair. Same.

3. Cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair and renew them when destroyed. Same.

4. Make quarterly reports, or oftener if required by the Board of County Commissioners, under oath of the number of days they have been employed during the preceding three months; the number of days labor performed upon the roads and highways in their respective districts, by whom performed, and the wages paid per day; filing therewith a receipt or receipts signed by each and all persons who have performed labor, stating the number of days of labor performed and the amount received for the same; also the amount and value of the materials and kind thereof. Same.

5. Such road supervisor shall receive not less than two dollars per day for eight hours labor, nor more than three dollars per day for eight hours labor for himself, or men under his charge, and all team hire shall be paid at the rate or not less than $1.50 nor Compensation Supervisors

Board of Supervisors.

more than $3.00 per day for eight hours labor on the county roads. Road supervisors must give such bonds as may be required by the Board of County Commissioners.

Duty of Supervisors.

6. The road supervisors shall do whatever the Boards of County Commissioners may order or direct and in the manner directed by said Boards.

ARTICLE III.

Tax for road purposes.

Section 11. There must be levied and collected on the taxable property in the county not less than one mill nor more than three mills for road purposes, also

Special tax.

a special road tax of $2.00 on every man over the age of 21 years and under the age of 50 years residing in the county. Said special road tax shall be due and payable to the county by each person liable therefor residing therein at any time within the year, when demanded by the County Treasurer or his Deputy or

County Commissioners to furnish County Treasurer help.

Agent. The Board of County Commissioners shall furnish the County Treasurer sufficient help at the expense of the county to enable him to collect such tax under this Act. For the purpose of carrying the provisions of this section into effect the road supervis-

Road Supervisors agent to collect road tax.

ors of the various counties are made the agents of the County Treasurers to collect said road tax in cash, in lieu of one day's work of eight hours, in all cases where

Proviso.

said tax is not worked out by labor on the roads as in this Act provided. Provided, however, that the provisions of this Section shall not extend to incorporated cities and towns which by ordinance provide for the levy and collection of a tax not less than one mill or more than three mills for road, city and alley purposes and also a special road tax of $2.00 on each man over the age of 21 and under the age of 50 in such cities and towns for road, street and alley purposes.

Proviso.

Provided, further, that the provisions of this Section shall apply to all incorporated cities and towns which have no such ordinance.

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County Treasurer to collect tax.

Section 12. The several County Treasurers must collect all road taxes not otherwise collected, both special and general, levied in each year as required by law for the collection of revenue.

Supervisors certificate of labor or material to be allowed on road tax.

Section 13. Any person producing the road supervisor's certificate for labor done or for material furnished on any road or bridge by order of the road supervisor must be allowed the same on his special road tax.

Monies belong to general road fund.

Section 14. All moneys collected under the provisions of this Act belong to the general road fund of the county.

Certain claims void.

Section 15. All contracts, authorizations, allowances, payments and liability to pay made or attempted to be made in violation of this Act are absolutely void and must never be the foundation or basis of a claim against the county.

Officers authorzing claims in violation of act liable on official bond.

Section 16. All County Commissioners and any other officer authorizing or aiding to authorize or auditing or allowing any claim or demand upon or against the treasury, or any fund thereof, in violation of any of the provisions of this Act are liable in person and upon their official bond to the person or persons damaged by such illegal authorization to the extent of his loss by reason of the non-payment of his claim.

County Commissioners to divide county into road districts and appoint road supervisors.

Section 17. The Board of County Commissioners of the several counties must divide their respective counties into suitable road districts and appoint road supervisors for the same, at their regular meeting after the passage and approval of this Act; and thereafter, all road supervisors must be appointed by the Board of County Commissioners at their March session and said road supervisors must serve for the term of one year and until their successors are appointed and qualified.

Supervisors to be appointed at March session.

Qualifications of Supervisors.

Section 18. The road supervisor shall be an elector of the County and a resident of the district in and from which he shall be appointed and shall within ten days after receiving a notice of his appointment, qualify

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Oath and bond.

by taking the oath of office and give a bond for the faithful performance of his duties in such sum as the Board of County Commissioners shall direct, the sureties thereof to be approved by said Board, and a recovery on such bond shall be for the benefit of the county in which the penalty has been incurred.

Duty of Supervisor.

Section 19. The road supervisors must notify every person within the road district subject to highway labor, as provided in this Act, and if any person subject to such labor, after three days notice either personally or in writing, left at his usual place of abode,

Person subject to highway labor must work diligently.

by the supervisor or any other person under his direction, neglects or refuses to be present at the time and place designated by the supervisor, or, having attended he refuses to obey the direction of supervisor, or passes his time in idleness or inattention to labor or duties assigned him, every such delinquent becomes

Refusal to work misdemeanor

liable to punishment as for a misdemeanor; and it is hereby made the duty of the supervisor to complain against all such persons before any justice of the peace having jurisdiction of the offense provided, however, that any person may at the time of being notified as aforesaid pay two dollars in money to the road supervisor in lieu of one day's work of eight hours upon the public highway, taking his official receipt for the same.

Receipt for road tax.

Section 20. The road supervisor shall give a receipt to the person performing labor or paying money in accordance with the provisions of this Act, certifying therein that the special road tax for the current year has been fully paid in labor or money (as the case may be) as required by law.

Blanks to be provided by County Commissioners.

Section 21. For the purpose of collecting said special road tax the Board of County Commissioners of each county must provide blank printed receipts for such special road tax, with proper stubs containing memorandum of name, amount, and date attached.

Section 22. Such blank receipts as may be necessary

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must be delivered by the County Clerk to the several road supervisors, and each must receipt to the Clerk for the number of blanks received by him.

Blank receipts to be delivered by County Clerk to Road Supervisor.

Section 23. All special road taxes collected must be paid into the County Treasury to the credit of the general road fund quarterly and oftener if required by the Board of County Commissioners.

How often special road tax collected to be paid into general road fund.

Section 24. The road supervisors of the respective road districts must make out quarterly, or when required by the Board of County Commissioners at any other time, a true and correct statement of all moneys collected by him and the number of day's work performed in accordance with the provisions of this Act duly sworn to and filed with the County Clerk, and if found correct by the Board of County Commissioners they must pay the same by warrant drawn on the general road fund of the county.

Road Supervisor to make statement of monies collected.

Section 25. If any road supervisor neglects or fails to perform the duties required by law, and such rules and regulations as may be laid down by the Board of County Commissioners, the Board of County Commissioners may remove him and appoint a suitable person road supervisor for the unexpired term.

Supervisor failing to perform duty may be removed.

Section 26. Any person having in his employment any other person liable for the special road tax of two dollars mentioned in this Act, must at the request of the Road Supervisor, give to him a complete list of all the persons so employed, and if any person neglects or refuses to furnish said list, for five days after demand made as above provided, shall forfeit to the State of Montana the sum of fifty dollars to be recovered by an action brought in the name of the Road Supervisor in any Justice Court having jurisdiction thereof, and the further sum of fifty dollars for each refusal or neglect to so furnish said list as aforesaid, to be collected as in this Act provided.

Employer must furnish list of employes liable to road tax.

Penalty for failure to furnish list.

Section 27. If any person required to pay the special road tax mentioned in this Act does not pay the

Employer liable for tax after written notice, when.

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same, or do the work as provided in this Act, and has no property subject to taxation, and the person owning the same is in the employment of any other person. the road supervisor must deliver to the employer a written notice, stating the amount of tax owing to [by] such employee, and from the time of receiving said notice the employer is liable to pay said tax, and the tax so paid may be deducted by such employer from the amount then due or to become due to such employee.

Road Supervisors to pay over money to County Treasurer.

Section 28. The road supervisors must pay over quarterly, or oftener if required by the Board of County Commissioners, to the County Treasurers of their respective counties all moneys collected as a special road tax and take a receipt therefor and attach such receipt to their reports to the Board of County Commissioners.

Receipt.

ARTICLE LV. [IV].

Duty of Road Supervisor.

Section 29. The road supervisor must open or cause to be opened , when ordered by the Board of County Commissioners, all public highways which have been laid out and established according to law in any part of his road district, and must keep the same in good repair, and if such levy is not sufficient the Board of County Commissioners is authorized to appropriate from the general road tax any amount they may see fit for the use and benefit of such district.

Levy insufficient County Commissioners to appropriate money.

Powers and duties of Supervisor.

Section 30. Whenever the Board of County Commissioners direct any road supervisor to repair any public highway in his district, or to construct any new highway therein, it is the duty of the road supervisor to proceed without unnecessary delay, to repair or construct said highway. The road supervisor is empowered to employ suitable laborers, teams and implements, and to contract as to the price to be paid therefor, which must not exceed the rate of Three Dollars per day for each person, and Six Dollars per

Compensation for labor and teams.

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day for team and driver; the price to be fixed by the Board of County Commissioners, and the amount of the expenditures for such labor, together with the compensation to be paid to the supervisor shall not exceed in the aggregate the sum apportioned quarterly by the Board of County Commissioners to his road district.

Supervisor to keep correct accounts.

Section 31. The road supervisor must keep a correct account of all such labor, and give to the person performing it, or furnishing any animals or implements, a certificate stating the number of days work performed and the price agreed upon therefor, and the number of days any animals or implements have been used, and the price to be paid therefor, not exceeding the limit above prescribed.

Supervisor to file statement.

Section 32. The road supervisor must make and file with the County Clerk on or before each quarterly meeting of the Board of County Commissioners, or monthly, if required by them, a detailed statement showing:

Same.

1. The names of all persons employed to work on the public highways, the number of days each person has worked, and the place or places where the work was done, and the date thereof, and the price to be paid therefor.

Same.

2. The number of teams and implements used, and of whom employed, and the place or places where they worked, or where used, and the price agreed to be paid therefor.

Same.

3. The number of days the supervisor has been employed in attending to the duties of his office.

Same.

4. The above statement must be itemized and sworn to by the supervisor and filed with the county clerk, with the account for his services rendered.

County Commissioners must examine and allow statement.

Section 33. The Board of County Commissioners at the first quarterly meeting, or at any special meeting, held after filing the statement mentioned in the preceding section, must examine the same, and if

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found correct, cause an order to be drawn on the county treasurer against the road fund for the amount due any road supervisor for his services. Upon the presentation of any certificate issued by road supervisors as provided in the next preceding section, and the verification by the owners thereof, as in other cases of claims against the county, the Board of County Commissioners must cause to be issued to the owner or holder of such claim, a warrant for the amount thereof drawn on the county treasurer against the road fund.

ARTICLE V.

Power of Supervisor to open ditches or drains.

Section 34. The road supervisor has authority to open or construct drains and ditches for the making and preserving of roads and highways, doing as little injury as may be to the adjoining land, and any person stopping or obstructing the drains or ditches so made

Penalty for obstructing ditch or drain.

forfeits the sum of Twenty dollars, to be recovered by the supervisor in a civil action in any court of competent jurisdiction. If any person feels aggrieved by the act of any supervisor he may make complaint in writing to the Board of County Commissioners who

Complaint to County Commissioners.

must allow just damages and pay the same out of the road fund.

ARTICLE VI.

Supervisor may purchase tools and implements and pay for same.

Section 35. Road supervisors may, under the direction of the Board of County Commissioners, purchase any plows, scrapers, or other implements necessary for the use of the road district, and pay for the same out of the general road fund of the county. The supervisor must preserve such tools and implements and must not allow the same to be used except on public highways. At the expiration of his term of office the Road Supervisor must turn over all such tools and implements to his successor or to the County Commissioners.

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ARTICLE VII.

Road Supervisor may order out inhabitants of his district to make repairs.

Section 36. If at any time during the year any highway becomes obstructed from any cause, or any bridge needs repairing or becomes dangerous for the passage of teams or travelers, the supervisor of the road district, upon being notified thereof, must forthwith cause such obstruction to be removed, or bridge repaired for which purpose he must immediately order out such number of inhabitanats of his district as may be necessary to remove such obstruction or repair such bridge; and all persons so ordered out are, after having received notice, subject to the same restrictions and liable to the same penalties as if ordered out under Section 19 of this Act.

Penalty.

Notice to be given of encroachments.

Section 37. If any highway duly laid out or erected is encroached upon by fences, buildings or otherwise, the road supervisor of the district must give notice, orally or in writing, requiring the encroachment to be removed from the highway.

Same.

Section 38. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he be known to the person giving such notice and reside in the county; if not, it must be posted on the encroachment specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same forthwith.

Same.

Section 39. If the encroachment is not removed forthwith, or commenced to be removed forthwith, and the removal is not diligently prosecuted, the one who caused, owns, or controls the encroachment forfeits Ten Dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the highway for vehicles, the road supervisor must forthwith remove the same.

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Same.

Section 40. If the encroachment is denied, and the owner, occupant or person controlling the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the road supervisor must commence in the proper court an action to abate the same as a nuisance; and if he recovers judgment, he may in addition to having the same abated, recover Ten Dollars for every day such nuisance remained after notice, and also his costs in said action. The Board of County Commissioners may at any time order the supervisor to forthwith remove any such encroachment without commencing an action.

Same.

Section 41. If the encroachment is not denied, but is not removed for five days after the notice is complete, the road supervisor may remove the same at the expense of the owner, occupant or person controlling the same, and recover his costs and expenses, and also for each day the same remained after notice was complete, the sum of Ten Dollars in an action for that purpose.

Obstruction or injury to highway, penalty for.

Section 42. Whoever obstructs or injures any highway, or diverts any water course thereon, or drains any water from his land upon any highway, to the injury thereof, by means of ditches or dams, is liable to a penalty of Ten Dollars for each day such obstruction or injury remains and must be punished as provided in Section 1031 of the Penal Code. It shall be the duty of the road supervisor to notify the County Attorney of any and all violations of this Act.

Supervisor to notify County Attorney.

Same.

Section 43. Any person storing or distributing water for any purpose, who permits the water to overflow any highway to the injury thereof, must, upon notification by the road supervisor of the district where such overflow occurred, repair the damages occasioned by overflow; and should such repair not be made within a reasonable time by such person, the road supervisor must make such repairs and recover

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the expense thereof from such person in an action at law.

Permit to be obtained for construction of ditches, &c., across highway.

Section 44. All persons contemplating the excavating of irrigation, mining, drainage or other ditches, across the public highways are required to obtain a permit in writing from the Board of County Commissioners or the Supervisor of said district before beginning such excavations, and to bridge such irrigation, mining, drainage or other ditches at once, substantially and in accordance with the plans and specifications furnished by the Board of County Commissioners; and thereafter said bridges shall be maintained by the county. And on failure or neglect to bridge as in this section provided, the supervisor of the road district must immediately remove any obstruction placed there, and refill such ditch, if necessary for the convenience of the traveling public.

Plans.

Supervisor to remove obstruction.

Persons finding obstructions in highway to notify supervisor.

Section 45. It shall be the duty of any person finding any obstruction upon any highway of this State to forthwith notify the Road Supervisor of such obstruction.

Cutting tree so as to fall in highway, penalty for.

Section 46. Whoever cuts down a tree so that it falls into any highway must forthwith remove the same, and is liable to a penalty of Ten Dollars for every day the same remains in such highway.

Notice on Bridges.

Section 47. Road supervisors must, when ordered by the Board of County Commissioners so to do, put upon bridges under their charge notices that there is "Five dollars fine for riding or driving on this bridge faster than a walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay Five dollars fine for each offense.

Penalty.

Injury to ornamental trees on highway. Penalty.

Section 48. Whoever digs up, cuts down or otherwise maliciously injures or destroys any shade or ornamental tree on any highway, unless the same is deemed an obstruction by the Board of County Commissioners, and removed under their direction, forfeits One Hundred Dollars for each tree.

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Notice to Non-resident land owners.

Section 49. When notice is required to be served upon non-resident land owners under any of the provisions of this Act, such notice shall be served by publication as authorized by the Board of County Commissioners; and for all purposes non-resident land owners upon whom personal service cannot be made within the county, must be considered as non-consenting land owners.

Duty of County Attorney.

Section 50. The County Attorney, on complaint of the road supervisor, or any other person, must prosecute all actions under the provisions of this Act by a suit in the name of the state and all penalties and forfeitures must be paid into the general road fund of the county.

Penalties and forfeiture paid into road fund.

ARTICLE VIII.

County Surveyor to inspect condition of road.

Section 51. The Board of County Commissioners may, by order, direct the County Surveyor to inspect the condition of any highway or bridge in the county, and the work done thereon, before payment therefor.

Compensation of County Surveyor.

Section 52. The County Surveyor shall receive for making said inspection and for all other works performed for the county the sum of Seven Dollars per day and actual traveling expenses which same [sum] must be in full payment for mileage expenses and per diem for the services aforesaid and is audited and allowed in the same manner as any other claim against the county.

Report of County Surveyor.

Section 53. The County Surveyor performing such service must at the regular meeting of the Board. present and file a written report of such inspection.

ARTICLE IX.

Petition for highway or for alteration.

Section 54. Any ten, or a majority, of the free holders of a road district, taxable therein for road purposes, may petition in writing, the Board of County Commissioners. to alter or discontinue any highway or to lay out a new highway therein. When a highway is petitioned for upon the dividing line be-

When highway on dividing County line.

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tween two counties, the same course must be pursued as in other cases, except that a copy of the petition must be presented to the Board of County Commissioners of each county, who must appoint viewers to act jointly, and report to their respective boards the action of such viewers.

Contents of Petition.

Section 55. The petition must set forth and describe particularly the highway to be abandoned, discontinued, altered, or constructed, and if the same is to be altered, laid out, or constructed, the general route thereof, over what lands, who are owners thereof, whether such of them as can be found consent thereto, and if not the probable cost of the right of way where such consent is not had, the necessity for, and advantages of the proposed road.

Viewers.

Section 56. Upon filing such petition the Board of County Commissioners may appoint three viewers, one of whom may, in the discretion of the Board of County Commissioners, be the county surveyor, if the county surveyor cannot serve, the Board may appoint another surveyor or other person who shall be a freeholder of the county, and jointly view with two resident freeholders of the county in which the proposed road is situated, all of whom must be disinterested citizens. Said viewers shall submit to the Board of County Commissioners their written report showing the estimated cost of change, alteration, or opening, including the purchase of right of way if any, and their views of the necessity therefor.

Viewers report

Officer to serve warrant.

Section 57. The sheriff, constable or any other person of the proper county, shall serve the warrant mentioned in the preceding section, by delivering a copy to each of the viewers named therein, in which case the original shall be returned to the county clerk, with the endorsement of the service thereon; or a copy of such warrants shall be sent by the county clerk by mail (registered) postage prepaid, to each of the viewers, in which case a certificate of such mailing shall be

Warrant, how served.

endorsed upon the original warrant in the county clerk's office, and shall be sufficient proof of service.

Oath of viewers.

Every person appointed a viewer shall take a [an] oath or affirmation to discharge the duties of viewer of the road recited in the petition, faithfully and impartially according to law. Such oath or affirmation may be administered by any one of the viewers who has been previously sworn by a proper officer.

Qualifications, powers and duties of viewers.

Section 58. The road viewers must be disinterested citizens of the county, but not petitioners; they must be sworn to discharge their duties faithfully; must view and lay out the proposed alteration or new highway over the most practicable route; notify the residents, owner or agent of land over which it passes of the proposed route; ascertain whether the resident owners consent thereto, and the amount if any, they claim or demand for the right of way over the same, estimate the actual damage to any land over which it passes and the cost of any bridges or grading necessary; the necessity for and [the] public convenience to be subserved by the highway, and whether the opening thereof or change therein proposed should be made.

Report of viewers.

Section 59. When the view of the proposed alteration or new highway is completed, the viewers must report to the Board of County Commissioners:

1. The course, termini, length, and probable cost of construction of the proposed highway.

2. The estimate of damage to the owner of any land over which it is proposed to run the highway.

3. The names of land owners who consent to give the right of way and their written consent thereto.

4. The names of the land owners who do not consent, the amount of damage claimed by each, but when there are non-resident land owners and no agent upon the land upon whom notice can be served, such non-resident land owners must be considered as non-consenting land owners, unless their written consent is obtained.

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5. Such other facts bearing upon the subject, of importance, to be known by the Board of County Commissioners.

6. They may also, in their discretion, or by order of the Board of County Commissioners, report upon the feasibility and cost of any other route than the one petitioned for, which would serve the same purposes, and also report as to the necessity of a greater, or the practicability of a less width of road than petitioned for.

Compensation of viewers.

Section 60. The viewers, except the county surveyor, must be paid not to exceed three dollars each per day for their services out of the general road fund of the county.

County Commissioners to fix day for hearing report.

Section 61. The Board of County Commissioners at the next meeting after the filing of the report, or at the time when the report is filed, if then in session, must fix a day for hearing the same, must notify the owners of lands not consenting to give the right of way, of the hearing, by having written notice served on them by registered mail, postage prepaid, to their post office address or to that of the occupant or agent of the owner; or if neither the owner, agent of the owner, or occupant can be so notified, by reason of non-residence or other cause, then by posting notices, one at a conspicuous place on the land, or left at the owner's, agent's, or occupant's residence, and one at the Court House, ten days prior to the day fixed for the hearing, and must on the day fixed for the hearing or to which it may be postponed or adjourned, hear the evidence and proof from all parties interested for and against the proposed alteration or new road, ascertain and by order declare the amount of damage awarded to each non-consenting land owner, and declare the report of the viewers to be approved or rejected.

Notice to land owners, how given.

County Commissioners to hear evidence and to declare report approved or rejected.

County Commissioners to make order declaring highway.

Section 62. If the Board approve the report, and there are no non-consenting land owners, the highway must by order, be declared a public highway and

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the road supervisor ordered to open the same to the public, and if the Board order it, to require the county surveyor, to survey the same and plat it, and file his field notes with the county clerk, for which the surveyor may receive seven dollars per day for the time actually employed. The Board of County Commissioners upon making each and every order establishing the location or alteration of any highway, must order the amount of damages sustained by each and every person owning or claiming lands, or any improvements thereon and affected thereby, as finally fixed and assessed by them, to be set apart in the treasury, out of the proper funds, to be paid to the proper owner or claimant, if known, and to be kept for the owner or claimant, if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements. Any moneys set apart as herein provided for, must be returned to the fund from which it was set apart, if not paid to or accepted by the proper owner or claimant. If the awards are all accepted the road must be declared a public highway and be opened as before provided.

Surveyor to make survey.

Compensation.

Amount of damages to be set apart for land owners.

Damages, how estimated.

Section 63. The damages must be determined by ascertaining the benefits and damages accruing to any person by reason of altering, changing or laying out such road, and the sum estimated as benefits must be deducted from the sum estimated as damages, and the remainder, if any, shall be the amount of damages awarded.

Damages, how cepted in 30 days deemed rejected.

Section 64. If any award of damages is not accepted within thirty days from the date of the award it shall be deemed rejected by the land owners. The Board must, by order, direct proceedings to procure the right of way to be instituted by the County Attorney of the County under and as provided in Title VII Part III of the Code of Civil Procedure against all non-accepting land owners, and when thereunder the right of way is procured, the road must be declared a public highway and opened as hereinbefore provided.

County Attorney to institute proceedings.

Declaration of Public Highway.

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Awards and expenses to be paid out of general road fund.

Section 65. All awards by agreement, ascertainment by the Board of County Commissioners, or by the proper court, and all expenses of viewing, surveying, laying out or altering any road must be paid out of the general road fund on the order of the Board of Commissioners.

Final report of viewers, etc., to be recorded by County Clerk.

Section 66. If a highway is opened or altered, the final report of the viewers, including the plat, field notes, and report of the surveyor, must be recorded in the office of the county clerk in books kept for that purpose.

Notice of opening or alteration of highway.

Section 67. If a highway is ordered to be altered, or opened, the Board of County Commissioners must cause notices thereof to be posted at three public places along the line of said highway stating that said highway will be opened and worked after sixty days from the date of posting said notices.

Time given to harvest crop before opening or alteration of highway.

Section 68. No highway must be ordered opened through fields of growing crops or along the line where crops would thereby be exposed to stock until the owner thereof has sufficient time to harvest and care for such crops.

County Clerk to notify supervisor.

Section 69. When a highway is to be altered, widened, changed or laid out, the county clerk must notify the supervisor of the proper district and furnish him with a certified copy of the order of the Board of County Commissioners, provided, however, that when the cost of altering, widening, changing or laying out, or constructing any new road, exceeds $200.00, the work may, in the discretion of the Board of County Commissioners, be let by contract; but before any contract shall be let as provided herein, the Board of County Commissioners shall advertise for bids therefor, at least once a week for two successive weeks in a newspaper of general circulation in the county, and the contract shall then be awarded to the lowest responsible bidder, who shall, before entering upon the performance of the work, execute and deliver to the Board

Work costing over $200 may be let by contract.

Advertise for bids.

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Bond.

of County Commissioners an undertaking, with two or more sureties, to be approved by the Board of County Commissioners in a sum not less than twice the amount for which the contract is awarded, provided, however, the Board of County Commissioners may reserve the right to reject any and all bids.

Conveyance or certified copy of Judgment to be filed with County Clerk.

Section 70. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing, conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the judgment of the court condemning the same, must be made and filed and recorded in the office of the county clerk, in which the land so conveyed or condemned must be particularly described.

Highways across railroads, canals or ditches on public lands.

Section 71. Whenever highways are laid out across railroads, canals, or ditches, on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals or ditches, that the public highway may cross the same without damage or delay and when the right of way for a public highway is obtained through the judgment of any court over any railroad, canal or ditch, no damage must be awarded for the simple right to cross the same.

Notice to remove fences.

Section 72. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased or condemned by order

Notice, how given.

of the court for road or highway purposes, notice to remove the fences must be given by the road supervisor to the owner, the occupant or agent, by registered mail, postage prepaid, to his or her address, and if the same is not done within ten days thereafter, or commenced and prosecuted with due diligence, the

Removal at owners expense.

road supervisor must cause it to be removed at the expense of the owner and recover of him the cost of such removal, and the fence material may be sold to

Material may be sold

satisfy the judgment.

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Highways to be laid out on subdivision or section lines.

Section 73. Highways must be laid out and opened when practicable upon subdivision or section lines; provided, however, that the section shall not be construed to prevent roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Proviso.

Petition for change of Highway to section lines.

Section 74. Upon a petition for that purpose by a majority of the free holders or the owners, residing upon any highway, when it can be done without material damage, the Board of County Commissioners may change such highways to subdivision or section lines, and lay out and open the same thereon; provided, however, that those interested in making such change must bear all the cost and expense thereof.

Proviso.

ARTICLE X.

Public bridges to be maintained by County.

Section 75. All public bridges are maintained by the county at large under the management and control of the Board of County Commissioners, the expense of construction, maintaining and repairing the same is provided in this Act.

Special tax for bridges.

Section 76. The Board of County Commissioners may levy a special tax not to exceed one mill on a dollar of the taxable property of the county for the purpose of constructing, maintaining, and repairing free public bridges. Such tax must be levied and collected in the same manner as other taxes, and the money when collected and paid into the county treasury must be kept as a special bridge fund subject to the order of the Board of County Commissioners, to be used in the construction, maintaining and repairing of bridges at such places as said Board directs.

Construction or repair of bridge costing over $200 to be let by contract.

Section 77. No bridge, the cost of construction or repairs of which exceeds Two Hundred dollars, must be constructed or repaired except on the order of the Board of County Commissioners; and when ordered to be constructed or repaired it shall be done by contract. But before any contract shall be let as pro-

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Bids.

vided herein the Board of County Commissioners shall advertise for bids therefor at least once a week for two successive weeks in a newspaper of general circulation in the county, and a contract shall then be awarded to the lowest responsible bidder, who shall, before entering upon the performance of the work, execute and deliver to the said Board an undertaking, with two or more sureties, to be approved by the Board of County Commissioners, in a sum not less than twice the amount for which the contract is awarded.

Bonds.

Bids.

Section 78. All bids must be sealed, opened at the time specified in the notices, and a contract awarded to the lowest responsible bidder. The Board of County Commissioners may, however, reject any and all bids.

Contract and bond.

The contract and bond for its performance must be entered into and approved by the said Board, except in

Emergency.

cases of great emergency, and by the unanimous consent of all its members, the said Board may proceed at once to construct, replace and repair any and all structures of whatever nature without notice.

Bridge crossing line between counties.

Section 79. Bridges crossing the line between counties must be constructed by the counties into which said bridges reach, and each of the counties must pay such portion of the cost as has been previously agreed upon by the Board of County Commissioners of the respective counties.

"Bridges" defined.

Section 80. The word "bridges" in this Act includes the approaches thereto and culverts.

ARTICLE XI.

Law of the road

Section 81. When vehicles meet, the drivers of each must turn seasonably to the right of the center of the highway or road, so as to pass without interference, under the penalty of $25.00 for every neglect,

Penalty.

to be recovered by the party injured. Where the whole breadth of a roadway is not worked, the center of the

Center of highway.

worked part is the center of the highway. In times of snow where there is a beaten track the center of

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that is the center of the highway or road. But this section does not apply to vehicles meeting cars running on rails or grooved tracks. Cars on rails.

Section 82. No person must employ, to drive any vehicle for the conveyance of passengers upon any public highway or road, a person addicted to drunkenness, under penalty of $5.00 for every day such person is in his employ. Driver addicted to drunkenness. Penalty.

Section 83. If any person while actually employed in driving any vehicle is intoxicated to such a degree as to endanger the safety of his passengers, the owner, on receiving from any passenger a written notice of the fact, verified by his oath, must forthwith discharge such driver; and if he has such driver in his service within six months after such notice he incurs a like penalty. Written notice of drunkenness of driver discharge of driver. Penalty.

Section 84. The driver of any vehicle used to convey passengers must not leave the horses attached thereto while passengers remain in the same, without first fastening the horses, or placing the lines in the hands of some other person, so as to prevent their running, under a penalty of $20.00 for each offense. Horses must be fastened. Penalty.

Section 85. The penalties provided by the three preceding sections are to be recovered by the county attorney of the county in which the offender resides for the use of the county road fund. Any action for a penalty incurred under the last section must be commenced within six months. Penalty to be recovered for use of road fund. Limitation.

Section 86. The owner of every vehicle running or traveling upon any highway or road for the conveyance of passengers, is liable for all damages to person or property, done by any person in his employment as a driver while driving such vehicle, whether done wilfully or negligently, or othewise, in the same manner as such driver would be liable. Owner of vehicle liable for damages.

Section 87. All persons owning, controlling, operating or managing threshing machines, steam-engines, saw-mills, or any heavy loads of whatever kind or na- Persons moving heavy loads to lay down planks.

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ture, are required in moving the same over the public highways, to lay down planks not less than one foot wide, three inches in thickness and of sufficient length, on the floors of all bridges and culverts situate on the public highways, while crossing the same, for the wheels of said threshing machines, saw mill, steam engin, [engine]or other vehicles carrying heavy loads of any kind to run on, provided that this section shall not apply to any threshing machine, saw mill, steam engine, or other vehicle carrying heavy loads not exceeding six tons in weight.

Proviso.

Duty of persons moving steam engines of any kind to shut off steam and to halt.

Section 88. All persons owning, controlling, operating or managing threshing machines, saw mills, automobiles, or steam engines of any kind, are required in moving the same along the public highways, on meeting any person or persons on horses, mules, or other animals, or in vehicles of any kind, drawn by horses or mules, or other animals, to shut off the steam, come to a halt at a distance of one hundred yards from the place of halting on said highway.

Penalty.

Section 89. Any person or persons violating the provisions of the two preceding sections, shall be guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not less than five dollars nor more than $150.00.

Dumping garbage on or near highway.

Section 90. It shall be unlawful for any person or persons to dump or leave any garbage or dead animal in or upon any public highway, road, or alley of this state, or within 200 yards of such public highway, road or alley. Any person guilty of a violation of this section shall be fined in a sum not exceeding $25.00, or be imprisoned in the county jail for a period not exceeding 30 days, or be punished by both such fine and imprisonment in the discretion of the court.

Penalty.

Repealing clause.

Section 91. An Act known as "House Bill No. 280." of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled, "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code

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relating to the levy, collection and disposition of road taxes," Approved March 4th, 1897; and an Act known as, "House Substitute for Senate Bill No. 38," of the Session Laws of the Sixth Legislative Assembly of the State of Montana entitled, "An Act to repeal Sections 2640, 2642, 2643 and 2680 as amended, of House Bill No. 280, of the Fifth Legislative Assembly of Montana relating to the Levy, Collection, and Disposition of Road Tax, and to Provide for the Collection of a Special Road Tax," Approved March 3rd, 1899; and "Senate Bill No. 71," of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled, "An Act for the Establishment of a Uniform System of Road Government and Administration in the Counties of Montana," Approved March 16th, 1901, are hereby repealed.

Repealing clause.

Section 92. Sections 2600, 2601, 2602, 2603, 2604, 2620, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848, and 2849 of the Political Code of the State of Montana are hereby repealed.

Repealing clause.

Section 93. All Acts and Parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 94. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2d, 1903.

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CHAPTER XLV.

An Act to amend Sections 1920, 1921, 1922, 1923, 1924, and 1925, Part III, Title III of the Political Code of the State of Montana and to provide for the compulsory education of all children between the ages of eight and sixteen, to establish industrial schools, equip and conduct the same and to provide for the regulation of Juvenile disorderly persons.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1920 Political Code amended.

Section 1. That Section 1920 of the Political Code be amended to read as follows:

In what branches children must be taught.

Sec. 1920. All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography, physiology and hygiene, and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private, or parochial school, for the full time that the school attended is in session, which shall in no case be for less than sixteen weeks during any current year, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city and other districts having such superintendent, or by the clerk of the board of trustees in village and township districts not having such superintendent, or by the principal of the private, or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, or the clerk of the board of trustees in village or township districts not having such superintendent, to teach the

Attendance.

Excuse.

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branches named in this section, or that there is no school taught the required length of time within 2 1-2 miles of the residence of such child by the nearest traveled road: provided, that no child shall be refused admission to any public school on account of race or color. In case such superintendent, principal or clerk refuse to excuse a child from attendance at school, an appeal may be taken from such decision to District Court of the County, upon giving a bond, within ten days after such refusal, to the approval of said court, to pay all costs of the appeal, and the decision of the District Court in the matter shall be final. All children between the ages of fourteen and sixteen years, not engaged in some regular employment, shall attend school for the full term [of] the schools of the district in which they reside are in session during the school year, unless excused for (the) reason above named. Any parent, guardian, or other person, having care of a child between the ages of eight and fourteen years, who shall, in violation of the provisions of this section, fail to place such child in school at the commencement of the annual school term within the time prescribed in this section, shall upon conviction, be fined not less than five dollars nor more than twenty dollars.

Appeal in case of refusal to excuse.

Penalty for failure to place child in school as herein provided.

Section 2. That Section 1921 be amended to read as follows:

Section 1921 Political Code amended.

Section 1921. No child under fourteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the Clerk of the board of trustees in village and township districts not

Employment of children under age of fourteen years; when unlawful penalty.

Schooling certificate.

having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 1920 of this article; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the Superintendent of Public Instruction and the same furnished, in blank, by the clerk of the board of trustees or the clerk of the district. Every person company, or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon the request of the truant officer hereinafter provided for, permit him to examine such age and schooling certificate. Any person, company, or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty five nor more than fifty dollars for each and every offense.

Penalty.

Section 1922 Political Code amended.

Section 3. That Section 1922 be amended to read as follows:

Attendance of minors in certain cases.

Section 1922. All minors over the age of fourteen and under the age of sixteen years, who cannot read and write the English language shall be required to attend school as provided in section 1920, of this article and all the provisions of said section shall apply to said minors; provided, that such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools in districts having superintendents, or the clerk of the board of trustees in districts not having superintendents, that they can read, and write the English language. No person, company or corporation shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided. Every person, company,

Employment of such minors; penalty.

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or corporation violating the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Section 4. That Section 1923 be amended to read as follows:

Juvenile disorderly persons.

Section 1923. Every child between the ages of eight and fourteen years, and every child between the ages of fourteen and sixteen years unable to read, and write the English language, or not engaged in some regular employment and who is an habitual truant from school, or who absents itself habitually from school, or who, while in attendance at any public, private, or parochial school, is incorrigible, vicious, or immoral in conduct, or who habitually wanders about the streets and public places during school hours having no business or lawful occupation, shall be deemed a juvenile disorderly person and be subject to the provisions of this act.

Section 1924 Political Code amended.

Section 5. That Section 1924 be amended to read as follows:

Truant officers; powers and duties

Section 1924. To aid in the enforcement of this act, truant officers shall be appointed and employed as follows: In city districts the board of trustees shall appoint and employ one or more truant officers; in village and township districts the trustees shall appoint, if they deem it advisable, a constable or other person as truant officer. The compensation of the truant officer shall be fixed and paid by the board appointing him. The truant officer shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise to enforce the provisions of this act; he is also authorized and it shall be his duty to take into custody the person of any youth between eight and fourteen years of age, or between fourteen or sixteen years of age when not regularly employed

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or when unable to read, and write the English language, who is not attending school, and shall conduct said youth to the school he has been attending, or which he should rightfully attend. The truant officer shall institute proceedings against any officer, parent, guardian, person, or corporation violating any provisions of this act, and perform such other services as the superintendent of schools or the board of trustees may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce this act. The truant officer shall keep a record of his transactions for the inspection and information of the superintendent of the schools and the board of trustees; and he shall make daily reports to the superintendent of schools during the school term in districts having superintendents, and to the clerk of the board of trustees in districts not having superintendents as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of trustees or the clerk of the district.

Section 1925 Political Code amended.

Section 6. That Section 1925 be amended to read as follows:

Report of principal and teachers.

Section 1925. It shall be the duty of all principals and teachers of all schools, public, private, and parochial, to report to the Clerk of board of trustees of the city, village or district in which the schools are situated, the names, ages, and residences of all pupils in attendance at their schools, together with such other facts as said clerk may require, in order to facilitate the carrying out of the provisions of this act, and the clerk shall furnish blanks for such purpose, and such report shall be made during the last week of each month from September to June inclusive of each year. It shall be the further duty of such principals and teachers to report to the truant officer the superintendent of public schools, or the clerk of the board of trustees, as the case may be, all cases of truancy or incorrigibility in

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their respective schools as soon after these offenses have been committed, as practicable.

Proceedings in case of truancy; penalties.

Section 1925(a). On the request of the superintendent of schools, or the board of trustees, or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy or non-attendance within his district, and warn said truant or non-attendant and his parent, guardian or other person in charge, in writing, of the final consequence of truancy or non-attendance if persisted in. When any child between the ages of eight and fourteen years, or any child between the ages of fourteen and sixteen years, who cannot read and write the English language or who is not regularly employed, is not attending school, in violation of the provisions of this act, the truant officer shall notify the parent, guardian or other person in charge of such child, of the fact, and require such parent, guardian, or other person in charge, to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian, or other person in charge of the child, so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian or other person in charge of the child in any court of competent jurisdiction in the city, village, or other district in which the offense occurs, for such failure, and upon conviction, the parent, guardian, or other person in charge, shall be fined not less than five dollars nor more than twenty dollars; or the court may in its discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars, with sureties to the approval of the court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within two days, thereafter and to remain at such school during the term prescribed by law; and upon the failure or refusal of any parent, guardian or other person to pay said fine and costs or

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furnish said bond according to the order of the court, then said parent, guardian, or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days.

Proceedings against juvenile disorderly persons

Section 1925(b). If the parent, guardian, or other person in charge of any child shall, upon the complaint under the last section for a failure to cause the child to attend a recognized school, prove inability to do so, then he or she shall be discharged, and thereupon the truant officer shall make complaint that the child is a juvenile disorderly person within the meaning of section 1923 of this article. If such complaint be made before any mayor, justice of the peace, or police judge, it shall be certified by such magistrate to the District Court. The District Court shall hear such complaint and if it be determined that the child is a juvenile disorderly person within the meaning of section 1923 of this article, the said child shall be committed by the Court to the industrial school hereinafter provided for where he shall be subject to all [the] rules and regulations of said industrial school. Provided, further, that if for any cause the parent, guardian, or other person, in charge of any juvenile disorderly person as defined in section 1923 of this article shall fail to cause such juvenile disorderly person to attend school, then complaint against such juvenile disorderly person shall be made, heard and determined in like manner as provided in case the parent proves inability to cause such juvenile disorderly person to attend school.

Relief to enable child to attend school required time.

Section 1925(c). When any truant officer is satisfied that any child, compelled to attend school by the provisions of this act, is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support, or care for others legally entitled to its services, who are unable to support or care for themselves, the truant officer shall report the case to the authorities charged with the relief of the poor, and it shall be the duty of

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said officers to afford such relief as will enable the child to attend school the time each year required under this act. Such child shall not be considered or declared a pauper by reason of the acceptance, of the relief herein provided for. In case the child, or its parents or guardian, refuse or neglect to take advantage of the provisions thus made for its instruction, such child may be committed to the industrial school hereinafter provided for. In all cases where relief is necessary it shall be the duty of the board of trustees or the trustees of the district to furnish text books free of charge and said board of trustees may furnish any further relief it may deem necessary, the expenses incident to furnishing said books and relief to be paid from the general fund of the school district.

Industrial school — where established.

Section 1925(d). In school districts having a population of 25,000 or more, there shall be established within two years from the passage of this act, an industrial school for the purpose of affording a place of confinement, discipline, instruction, and maintenance of children of compulsory school age who may be permitted thereto according to the provisions prescribed in section 1925(b).

Equipment, etc.

Section 1925(e). For the purpose of establishing such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as is provided for in the case of public schools in such districts; but no school shall be located at or near any penal institution. And it shall be the duty of the Board of trustees to furnish such schools with such furniture, fixtures, industrial and other apparatus, and provisions as may be necessary for the maintenance and operation thereof.

Employment of principals and officers.

Section 1925(f). The Board of trustees may also employ a principal and other necessary officers, agents, and teachers; and shall prescribe the methods of discipline and the course of instruction; and shall exercise the same powers and perform the same duties as

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is prescribed by law for the management of other schools.

Religious instruction.

No religious instruction shall be given in said school, except such as is allowed by law to be given in public schools; but the board of trustees may make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children, by arranging for attendance at public services elsewhere.

Parent or guardian to supply clothing.

Section 1925(g). It shall be the duty of the parent or guardian of any child committed to this school to provide suitable clothing upon his or her entry into such school, and from time to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing, the same may be provided by the board of trustees, and such board may have an action against such parent or guardian of said child to recover cost of such clothing, with 10 per. cent additional thereto.

Rules and regulations: conditions of parole.

Section 1925(h). The board of trustees of such district shall have power to establish rules and regulations under which children committed to such industrial school may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under control of the officers and agents of such school and subject at any time to be taken back within the enclosure of such school by the superintendent or any authorized officer of said school except as hereinafter provided; and full power to enforce such rules and regulations to retake any such child so upon parole is hereby conferred upon said board of trustees. No child shall be released upon parole in less than four weeks from the time of his or her committment, nor thereafter until the superintendent of such industrial school shall have become satisfied from the conduct of such child, that, if paroled, he or she will attend regularly the public or private school to which he or she

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may be sent by his or her parents or guardians, and shall so certify to the board of trustees.

Principal to report conduct, attendance, etc., of parole pupils to superintendent.

Section 1925(i). It shall be the duty of the principal or other person having charge of the school to which children so released on parole may be sent, to report at least once each month to the superintendent of the industrial school, stating whether or not such child attends school regularly, and obeys the rules and regulations of said school; and if such child so released upon parole shall be regular in his or her attendance at school, and his or her conduct as a pupil shall be satisfactory for a period of one year from date on which he or she was released upon parole, he or she shall then be finally discharged from the industrial or truant school, and shall not be recommitted thereto, except as hereinbefore provided.

Parole pupils shall be recommitted for irregular attendance.

Section 1925(j). In case any child released from school upon parole, as hereinbefore provided, shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall upon the order of the board of trustees, as hereinbefore provided, be taken back to such industrial school, and shall not be again released upon parole within the period of three months from the date of such re-entering; and if he or she shall violate the conditions of a second parole, he or she shall be recommitted to such industrial school, and shall not be released therefrom on parole, until he or she shall remain in such school at least one year.

Commitment to State Reform School.

Section 1925(k). In any case where a child is incorrigible and his or her influence in such school be detrimental to the interests of the other pupils, the board of trustees may authorize the superintendent or any other officer of the school to represent these facts to the District Court by petition; and the court shall have power to commit said child to the state reform school.

Establishment of Industrial schools in smaller districts.

Section 1925(l). The board of trustees in districts having a population less than 25,000 may establish,

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maintain and operate an industrial school for the purpose hereinbefore specified, and in case of the establishment of such a school, the board of trustees shall have like power in their respective districts as hereinbefore expressed: provided, that no board of trustees under this section shall put this law into effect until submitted to a vote at some general or special election.

Reception of pupils from outside districts.

Section 1925(m). Boards of trustees in districts where there is established and in operation an industrial school, may if the accommodation permits receive pupils from other districts who have been committed thereto, upon the payment from the district in which the child resides, such a rate of tuition as the board of trustees may fix.

Penalties.

Section 1925(n). Any officer, principal, or other person mentioned in this act, neglecting to perform any duty imposed upon him by this act, shall be fined not less than twenty-five or more than fifty dollars, for each offense. Any officer or agent of any corporation violating any provisions of this act, and who participates or acquiesces in or or is cognizant of such violation, shall be fined not less than twenty-five dollars nor more than fifty dollars. Any person who violates any provision of this act for which a penalty is not elsewhere in this act provided for, shall be fined not more than fifty dollars. Mayors, justices of the peace, police judges, and district courts shall have jurisdiction to try the offenses described in this act. When complaint is made, information filed or indictment found against any corporation for violating this act, summons shall be served, appearance made, or plea entered, as provided by the laws of Montana, except that in complaint before magistrates, services shall be made by the constable. In all other cases progress shall be served, and proceedings had, as in cases of misdemeanor. All fines collected under the provisions of this act shall be paid into the funds of the school district in which the offense was committed. Board of

Jurisdiction.

Violation by corporations.

Disposition of fines collected.

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trustees are authorized to employ legal council to prosecute any case arising under the provisions of this act when it shall deem the same necessary, and the services of such council shall be paid from the general fund of the district.

Employment of attorney; compensation.

Section 1925(o). Every person who, after being once convicted for violating any of the provisions of this act, shall be convicted of again violating any of the provisions of this act, may, in addition to the punishment by way of a fine elsewhere provided for, be imprisoned not less than ten days nor more than thirty days. On complaint, before mayor, justice of the peace, or police judge of a second violation of this act involving punishment by imprisonment, if a trial by jury be not waived, a jury shall be chosen and the case tried, after the manner provided in the laws of Montana.

Repeated violations.

Section 1925(p). It is hereby made the duty of every board of trustees in this state to provide sufficient accommodations in the public schools for all children in their district compelled to attend the public schools under the provisions of this act. Authority to levy tax and raise the money necessary for such purpose, is hereby given the proper officers charged with such duty under the law.

Sufficient school accommodations to be provided.

Section 1925(q). No officer or person instituting proceedings under this act shall be required to advance money or give security for costs; and if a defendant is acquitted or discharged, or if convicted, and committed to jail in default of payment of fine and costs, the justice, mayor, police judge or district court, before whom such case was brought shall certify such costs to the county auditor, who shall examine, and if necessary, correct the account, and issue his warrant to the county treasurer in favor of the respective persons to whom such costs are due for the amount due each.

Costs in prosecutions under this act.

Section 1925(r). All sections in the school laws of

Repeal of conflicting clauses.

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the state of Montana in violation of the provisions of this act are hereby repealed.

When act takes effect.

Section 1925(s). This act shall be in full force and effect after its passage and approval.

Approved March 3d, 1903

CHAPTER XLVI.

An Act making the wilful or malicious taking or removal of the waste, packing, brass, or brasses from any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck, used or operated, or capable of being used or operated, upon any railroad, whether the same be operated by steam or electricity, a misdemeanor, and providing penalties therefor:

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Wilfully and maliciously taking or removing brass etc. from journal box.

That if any person shall wilfully and maliciously take or remove the waste or packing or brass or brasses from any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck, used or operated or capable of being used or operated upon any railroad, hoisting engines, threshing machines, pumps or any other machinery, whether the same be operated by steam or electricity, the person so offending shall be guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of not more than $100. nor less than $50., or by imprisonment in the county jail not more than six months, or both such fine and imprisonment.

Misdemeanor.

Penalty.

Section 2.

When act takes effect.

This Act shall take effect and be in force on and after its passage and approval.

Approved March 3. 1903

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CHAPTER XLVII.

An Act to provide for the investment of the Money in the State Normal School Bond Fund.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Duty of State Board of Land Commissioners to invest money in Normal School Bond Fund in State, County, City or School District securities of this State.

Whenever in the judgment of the State Board of Land Commissioners the yearly income from leases and interest on deferred payments on land belonging to the State Normal School is sufficient to pay the interest on the bonded indebtedness against said land, or, whenever in the judgment of the Board the money in the State Normal Bond Fund can be invested without impairing the ability of the Fund to meet the interest on said bonded indebtedness it shall be the duty of said Board to invest the money in said Normal School Bond Fund in any State, County, City, or School District Securities of this State which in its judgment is a safe investment, provided that said securities must become due on or before the date such bonded indebtedness shall become due.

Bid.

The Board may make its bid in the same manner as private persons and under no restrictions other than those imposed upon private persons seeking investment therein

Section 2.

Board to direct Auditor to draw warrant.

Whenever the Board has purchased any securities as provided in Section 1 of this Act and the same are duly executed and delivered to the President of the Board, the Board shall direct the State Auditor to draw his warrant upon the State Treasurer for the amount thereof, specifying the Fund upon which and the person in whose favor the said warrant shall be drawn, whereupon the State Auditor shall draw a warrant upon the State Treasurer accordingly, which warrant shall be delivered to the President of the State Board of Land Commissioners and shall be paid by the

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State Treasurer upon the delivery to him of the purchased securities; provided that the State Treasurer shall purchase interest bearing warrants issued against any Fund whenever ordered so to do by the State Board of Land Commissioners.

Proviso.

Section 3.

When act takes effect.

The Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3. 1903

CHAPTER XLVIII.

An Act to amend Sections 4644, 4646, 4652 and 4653 of the Political Code of the State of Montana relating to the fees and Mileage of jurors and witnesses.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 4644 Political Code amended.

That Section 4644 of the Political Code of the State of Montana be amended so as to read as follows:

Section 4644

Compensation of Grand and Trial Jurors in courts of record.

Grand and trial jurors receive three dollars per. day for attendance before any court of record and ten cents per. mile each way for travelling from and to their residence and county seat. Any juror who is excused from attendance upon his own motion on the first day of his appearance in obedience to notice, or who has been summoned as a special juror and not sworn in the trial of the case, in the discretion of the court, may receive per. diem and mileage.

Section 2.

Section 4646 Political Code amended.

That Section 4646 of the Political Code of the State of Montana be amended so as to read as follows:

Section 4646.

Compensation of Trial Juror.

A juror must be paid for each day's attendance for the term or session for which he was summoned until

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excused. He must not receive any compensation for Sundays or legal holidays and a juror who resides within two miles from the court house, must not receive any compensation for any day when the court is not actually in session, or if in session, is engaged in the trial of a case in which the juror is not impanelled, or is engaged in other business, and the juror has been temporarily excused from attendance on court.

Same.

Section 3.

That Section 4652 of the Political Code of Montana be amended so as to read as follows:

Section 4652 Political Code amended.

Section 4652.

Witnesses in courts not of record in civil actions and proceedings shall receive one dollar and fifty cents for each day's actual attendance and ten cents for each mile actually travelled in going from his residence by the usual travelled route to the said court and return.

Compensation of Witnesses in courts not of record.

Section 4.

That Section 4653 of the Political Code of the State of Montana be amended so as to read as follows:

Section 4653 Political Code amended.

Section 4653.

Witnesses in courts not of record in criminal actions and on coroner's inquests shall receive one dollars and fifty cents per. day for actual attendance and ten cents per. mile for each mile "actually and necessarily" travelled from his place of residence to the said court and return.

Compensation of Witnesses in courts not of record in criminal actions and coroners inquests.

Section 5.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When act takes effect.

Approved March 3. 1903

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CHAPTER XLIX.

An Act Entitled, "An Act Providing for the submitting to the qualified Electors of the State of Montana, for their approval or rejection, Amendments to Article 18 of the Constitution of the State of Montana, by adding thereto three new Sections as follows:

Amendments to Constitution to be submitted.

Section 3. Prohibiting the employment of children under sixteen years of age in under-ground mines.

Section 4. Making a period of eight hours a day's labor on public works, and in mills, smelters and underground mines.

Section 5. Providing for legislation to enforce the provisions of this Article.

Be it Enacted by the Legislative Assembly of the State of Montana:

Amendments to Constitution relating to labor.

Section 1. There shall be submitted to the qualified electors of the State of Montana, at the next general election to be held within this State, the following Amendments to Article XVIII of the Constitution of the State of Montana, relating to Labor:

Section 3. It shall be unlawful to employ children under the age of sixteen (16) years of age in underground mines.

Section 4. A period of Eight Hours shall constitute a day's work on all works or undertakings carried on or aided by any Municipal, County or State Government, and on all contracts let by them, and in Mills and Smelters for the treatment of ores, and in underground mines.

Legislation.

Section 5. The Legislature by appropriate legislation shall provide for the enforcement of the provisions of this Article.

Canvass of votes.

Section 2. The vote upon this Amendment shall be counted and canvassed by such persons, and in such manner as provided by law for the counting and canvassing of the vote for Member of Congress, and if a

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majority of all the votes cast at said election, for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as part of the Constitution from and after the date of said proclamation.

Proclamation by Governor.

Section 3. The official ballots to be used at the general election to be held in November, 1904, shall have printed thereon the following words: "For the Amendment to the Constitution Relating to the Rights of Labor," and the words: "Against the Amendment to the Constitution, Relating to the Rights of Labor."

Ballots.

Section 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

When act takes effect.

Approved March 3, 1903

CHAPTER L.

An Act, Entitled, "An Act to Amend Section 2956, 2957 and 2990 And to Repeal Section 2958 of the Political Code."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2956 of the Political Code be amended so as to read as follows:

Section 2956 Political Code, amended.

Section 2956. It is the duty of the Board to audit all bills for expenses incurred under the provisions of this Chapter, and if found correct, to certify the same, and the warrant drawn by the State Auditor, on the State Treasurer in favor of the party or parties entitled theretofore the amounts so certified, shall be drawn on the stock inspector and detective fund, provided that said Board shall itself audit and directly pay from the donations to it made all extra expense

Duty of Board.

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bills incurred under the power conferred by Section Three of this Act.

Section 2957 Political Code, amended.

Section 2. That Section 2957 of the Political Code be amended so as to read as follows:

Annual report and what to contain.

Section 2957. The Board must make an annual report in writing to the Governor on the 31st day of December and must state therein all the transactions of the Board for the year. The said Board shall also present therein a list, as nearly complete as may be, of all stray cattle and horses sold, either within this State or in outside markets, whose proceeds have not been theretofore claimed by the owners, describing each animal by kind, sex, marks, brands, weight and net sum realized on sale of each and the name and address of the Stock Association or person to whom each amount was remitted, if known. And said Board shall

Report to be published.

also procure, and for the period of four successive issues next after May 1st of each year, publish in a newspaper in Helena and a newspaper in Billings, Montana, said date for the year preceding May 1st, the expense of such publication to be borne pro rata by the proceeds of the animals listed therein.

Copy of report to be filed in each county.

And it shall forthwith, after each yearly publishings, file a copy thereof in the office of the County Recorder of each County in the State.

Section 2990 Political Code amended.

Section 3. That Section 2990 of the Political Code be amended so as to read as follows:

County Commissioners to levy tax.

Section 2990. The Board of County Commissioners of each County, must, at the time of making the annual assessment, levy a special tax of one and one-half mills on the dollar upon the assessed valuation of all cattle, horses, mules and asses in their respective counties, which must be collected as other taxes upon like property, and when so collected must be paid to the State Treasurer, who must keep the same as a separate fund to be known as the "Stock Inspector and Detective Fund" which fund must be used in defraying expenses incurred under the provisions of this Chapter

"Stock Inspector and Detective Fund."

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The expenses in any one year must in no case exceed the special tax levy for that year.

Provided that the Board of Stock Commissioners are hereby empowered to receive donations of monies from time to time made it by stockmen or live-stock associations and to disburse the same to defray expenses incurred by it in excess of the said tax levy and in the execution of their powers; but such extra expense shall not exceed the amount of such donations and shall be wholly paid therefrom. Proviso.

Section 4. That two certain Acts amending said Section 2990, the one approved March 8th, 1897, the other approved March 6th, 1899, and an Act approved March 2nd, 1901, entitled "An Act to Provide an Additional Section, to be numbered 2958, to Article II of Chapter V of Part III, Title VII of the Political Code, concerning the duties of the Board of Stock Commissioners," and all Acts and Parts of Acts in conflict with this Act are here by repealed. Certain acts repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval. When act takes effect.

Approved March, 3. 1903

CHAPTER LI.

"An Act to extend the boundaries of Cascade County and to alter the boundaries of Choteau County to conform thereto."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. All that portion of the county of Choteau embraced within the following boundaries is hereby segregated from the said county of Choteau and attached to and made a part of the county of Cascade, to-wit: Portion of Choteau County segregated and attached to Cascade County.

Beginning at the established southeast corner of township twenty (20) north of range eight (8) east and Description.

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running thence south to the line between Choteau and Cascade counties; thence running west along the line between said counties to the line between ranges seven (7) and eight (8) east; thence running north along said range line to the established southwest corner of township twenty (20) north of range (8) east; thence running east along the south boundary of said township to the place of beginning.

Same.

Section 2. All territory and appurtenances within the boundaries of Cascade County as by this act established heretofore belonging to Choteau County are hereby segregated from said Choteau County and are attached to and made a part of Cascade County.

Boundaries.

Section 3. The boundaries of Choteau County are hereby altered to conform to the boundaries of Cascade County as established by this act.

Repealing clause.

Section 4. All acts and parts of acts in conflict with this act are hereby repealed.

When act takes effect.

Section 5. This act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1903.

CHAPTER LII.

An Act, relating to the Fees of Justices of the Peace.

Be it Enacted by the Legislative Assembly of the State of Montana:

Fees of Justice of the Peace to be paid in advance.

Section 1. Except as provided in Section 1873 of the Code of Civil Procedure of the State of Montana, it is hereby made the duty of a justice of the peace in every civil action instituted in his court to require the payment in advance of the following fees or costs, to-wit: The fee of two dollars and fifty cents when the summons is issued, the fee of two dollars and fifty cents when issue is joined, and the fee of two dollars and fifty cents of the prevailing party, when judgment is rendered, as provided in Section 4642 of the

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Political Code, and it shall be unlawful for such justice of the peace to include or tax any such fees or costs in any judgment taken before or rendered by him or in his court, unless such fees or costs have been paid in advance as above provided, and in case such justice of the peace shall include or tax any such fees or costs in any such judgment when they have not been paid, as above provided, in advance, he shall forfeit to the person against whom the judgment is rendered, and be liable to such persons on his official bond for ten times the amount of such fees or costs included in such judgment without having been paid in advance as aforesaid, to be recovered in a civil action.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3. 1903

CHAPTER LIII.

An Act entitled "An Act for the protection of the health of engineers and for the safety of men employed underground, by regulating the hours of labor of hoisting engineers and fixing the penalties for violation thereof:

Be it Enacted by the Legislative Assembly of the State of Montana:

Hours of labor of hoisting engineer.

Section 1. That on and after the first day of May, A. D. 1903, it shall be unlawful for any person or persons, company or corporation, to operate or handle, or to induce, persuade or prevail upon any person or persons to operate or handle for more than eight hours in twenty-four hours of each day, any hoisting engine at or in any mine.

Application of Act.

This act shall apply only to such plants as are in continuous operation or are operated sixteen or more

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hours in twenty-four hours of each day, or at or in any mine where said hoisting engine develops fifteen or more horse power, or at or in any mine wherein there are fifteen or more men employed underground in twenty-four hours of each day. Provided however, that the provisions of this Act shall not apply to any person or persons operating any hoisting engine more than eight hours in each twenty-four hours for the purpose of relieving another employee in case of sickness or other unforeseen cause or causes.

Proviso.

Violation of Act.

Section 2. Any person or persons, company or corporation, who shall violate any of the provisions of this Act, shall, upon conviction, be punished by a fine of not less than ten ($10.00) dollars, nor more than one hundred ($100.00) dollars; and each and every day that such person or persons, company or corporation may continue to violate any of the provisions of this Act, shall be considered a separate and distinct offense and shall be punishable as such.

Penalty.

Repealing clause

Section 3. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3 1903

CHAPTER LIV.

Chapter 10, Penal Code amended.

An Act to Amend Chapter 10 of the Penal Code of the State of Montana, relating to Pawnbrokers and Amending the Title thereto so as to include Dealers in Secondhand Goods and Junk Dealers.

Be it Enacted by the Legislative Assembly of the State of Montana:

Loan at interest more than 10 per cent per annum without license misdemeanor.

Section 620. Every person who carries on the business of a pawnbroker by receiving goods in pledge for loans at any rate of interest above the rate of ten per cent per annum, except by authority of a license is guilty of a misdemeanor.

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Pawnbroker, &c

Section 621. Every person who carries on the business of a pawnbroker, dealer in secondhand goods or junk dealer who fails at the time of the transaction to enter in a register kept by him for that person, in the English language, the date, duration, amount and rate of interest of every loan made by him, or an accurate description of the property pledged or sold to him or by him or the name and residence of the pledger or seller or purchaser or to deliver to the pledger or seller or purchaser, a written copy of such entry or to keep an account in writing of all sales or purchases made by him and every pawnbroker, dealer in second hand goods or junk dealer who receives goods in pledge or by gift, or purchases the same from any person under the age of 21 years or from anybody acting as agent for said person, shall be deemed guilty of a misdemeanor and a conviction thereof shall also work a forfeiture of his license.

Failure to keep register.

Misdemeanor.

Penalty.

Interest.

Section 622. Every pawnbroker who charges or receives interest at the rate of more than three per cent per month, or who, by charging commission, discount, storage or other charge, or by compounding, increases or attempts to increase such interest, is guilty of a misdemeanor.

Misdemeanor.

Pawnbroker to produce register for inspection.

Section 623. Every pawnbroker, dealer in secondhand goods or junk dealer who fails, refuses or neglects to produce for inspection his register or to exhibit the articles received by him in pledge, or sold to him or his account of sales and purchases to any officer holding a warrant authorizing him to search for personal property, or the order of a committing magistrate directing such officer to inspect such register or examine such articles or accounts of sales or purchases, is guilty of a misdemeanor.

Misdemeanor.

Repealing clause.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect

This Act shall be in full force and effect from and after its passage.

Approved March 3, 1903

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CHAPTER LV.

"An Act to amend Section 3866, Article 3, Chapter 2, Title 14, Part 4 of the Civil Code of Montana, relating to the renewal of Mortgages of Personal Property."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 3866, Article 3, Chap. 2, Title 14, Part 4 Civil Code amended.

That Section 3866, Article 3, Chapter 2, Title 14, Part 4 of the Civil Code of Montana be, and the same is hereby amended to read as follows:

Section 3866.

Renewal of mortgage of Personal Property.

Every mortgage of personal property made, acknowledged and filed, as provided by the laws of this State, may be renewed at any time within sixty days after maturity of the debt or obligation secured thereby, in case such debt or obligation or any part thereof, be unpaid or unfulfilled, by filing an affidavit showing the date of such mortgage, the name of the mortgagor and mortgagee, the date of filing the same, the amount of the debt or obligation secured thereby, and the amount of the debt justly owing at the time of filing such affidavit, or the conditions of the obligation unfulfilled, and that such debt or obligation was neither made nor renewed to hinder, delay or defraud the creditors or subsequent incumbrancers of the mortgagor; which affidavit must be subscribed and sworn to by the mortgagee, or, in case of his absence from the city or township where such affidavit is executed, by the agent or attorney in fact of the said mortgagee, before an officer authorized to administer oaths, filed in the office where the mortgage therein described is filed; and thereupon the county clerk of such county must attach such affidavit to the mortgage therein described and note the date of the filing thereof, opposite the entry of the mortgage therein described, in the book provided by law for the entry of chattel mortgages; and

Affidavit, what to contain.

Duty of County Clerk.

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the original mortgage shall then continue to be in full force and virtue for the period of one year after the expiration of the term for which it was originally given; and a like affidavit may be filed within sixty days after the expiration of said period of one year last aforesaid, and the said original mortgage shall then continue to be in full force and virtue for the period of one more year, and in addition to the first years renewal, and under the same conditions and within the same limitations a like affidavit may be filed to renew the said mortgage for each succeeding year thereafter until the debt secured thereby shall be fully paid.

Section 2.

This Act to take effect and be in force on and after its passage and approval by the Governor. When act takes effect.

Approved Mch 4. 1903

CHAPTER LVI.

An Act relating to the Licensing of Peddlers and Canvassers of Agricultural and Domestic Implements and Machinery and other Articles.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That every person, firm or corporation who peddles out, or after shipment to this State canvasses and sells by sample to users or consumers, clocks, agricultural implements or machinery, stoves or ranges, wagons, buggies, carriages, surries and other similar vehicles, washing machines or churns, shall pay in advance a license tax of Five Hundred Dollars for each Calendar year, or any portion thereof, to be paid in each county in which said occupation is pursued. License of Peddlers and Canvassers of certain commodities.

Section 2.

All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

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Section 3.

When act takes effect.

This Act shall take effect and be in force from and after its passage and approval.

Approved Mch 4. 1903

CHAPTER LVII.

"An Act to Amend Section 4074, of the Political Code of the State of Montana, relating to Licenses for Common Carriers and Express Companies.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 4074, Part 3, Title 19, Chap. 13, Art. 2, Political Code, amended

That Section 4074, Part III, Title X, Chapter XIII, Article II of the Political Code be, and the same is hereby amended so as to read as follows:

Common Carriers and Express Companies to procure license.

Section 4074. Every person, association or corporation, who engages in business in this state as a common carrier in the transmission or carrying of gold dust, gold and silver coin or bullion, monies or bank notes, packages of express matter, or passengers, from one place within this state to another place within this state, for hire or profit, must procure therefor a State license from the State Treasurer, or from the County Treasurer of the County where their principal office is located, and pay therefor as follows:—

$75,000 or over $225. per quarter.

Those doing such business to the amount of $75,000.00 or over per quarter must pay $225.00 per quarter; Those doing such business to the amount of $50,000.00 and under $75,000.00 per quarter must pay $150.00 per quarter.

$50,000 and under $75,000. $150 per quarter.

$25,000 and under $50,000. $75 per quarter.

Those doing such business to the amount of $25,000.00 and under $50,000.00 per quarter must pay therefor $75.00 per quarter.

$15,000 and under $25,000. $50 per quarter.

Those doing such business to the amount of $15,000.00 and under $25,000.00 per quarter must pay therefor $50.00 per quarter.

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Those doing such business to the amount of $5,000.00 and under $15,000.00 per quarter must pay therefor $25.00 per quarter; $5,000 and under $15,000, $25 per quarter.

Those doing such business in any amount less than $5,000.00 per quarter must pay therefor $5.00 per quarter. Less than $5,000 $5 per quarter.

Provided that no license or occupation tax shall be levied, imposed on or collected from any such Express Company or other common carrier by any municipal corporation . Municipal Corporation not to impose license.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3.

This act shall be in full force and effect from and after its passage. When act takes effect.

Approved Mch 4, 1903

CHAPTER LVIII.

"An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the State of Montana, and to provide further protection, to birds, fish, fur bearing animals and game," approved March 8, 1897, as amended by House Bill No. 13, session of 1901, approved March 14, 1901.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section I of said Act, entitled an act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, Section 1 of An Act to repeal sections 1110 to 1144, inclusive of Penal Code, approved Mar. 8, 1897, amended.

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and 1144, of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game, approved March 8, 1897, as amended by House Bill No. 13, approved March 14, 1901, be and the same is hereby amended so as to read as follows:

"Section 1.

Killing of Moose, Bison, Caribou, Buffalo, Antelope or Beaver, punishment for.

Any person who wilfully shoots or kills, or causes to be shot or killed any Moose, Bison, Caribou, Buffalo, Antelope or Beaver shall be punished by imprisonment in the state prison for a term not exceeding two years, or in the county jail not less than six months, or shall be fined not more than five hundred dollars nor less than fifty dollars, or by both such fine and imprisonment, provided, however, that it shall be lawful for any person to kill beaver upon his own premises, when such killing is necessary for the protection of said premises.

Proviso.

Killing quail, turtle dove or Chinese Pheasant, punishment for.

Any person who wilfully shoots or kills, or causes to be shot or killed, quail, turtle dove or chinese pheasant shall be punished by imprisonment in the county jail for a term not less than ninety days nor more than six months, or by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by both such fine and imprisonment.

Section 2.

Section 3 of said Act as amended by House Bill 13, approved Mar 14, 1901, amended.

That Section 3 of said act, as amended by House Bill No. 13, approved March 14, 1901, be and the same is hereby amended so as to read as follows:

"Section 3.

Deer, Rocky Mountain Goat, Mountain Sheep.

Any person who between December first of any year and September first of the following year wilfully shoots or kills, or causes to be shot or killed, any deer, Rocky Mountain Goat, or mountain sheep, or who in the open season of any calendar year shoots or kills, or causes to be shot or killed more than three deer, one Rocky Mountain goat and one mountain sheep, shall be punished by imprisonment in the state prison for a term not exceeding one year or in the county jail not

Penalty.

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less than three months, or by a fine of not more than five hundred dollars nor less than one hundred dollars, or by both such fine and imprisonment.

Section 3.

Section 4 of said Act amended.

That Section 4 of said Act be and the same is hereby amended so as to read as follows:—

"Section 4.

Hunting with dogs.

Any person who hunts, chases, or runs with dogs, any of the animals mentioned in Sections one and three of this Act shall be punishable by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for a term of not less than sixty days nor more than six months, or by both such fine and imprisonment."

Penalty.

Section 4.

Section 5 of said Act amended.

That Section 5 of said act, as amended by House Bill No. 13, approved March 14, 1901, be and the same is hereby amended so as to read as follows:

"Section 5.

Grouse, Prairie Chickens, Fool hen, sage hen. Pheasant. Partridge. close season for.

Every person who between the first day of December of any year and the fifteenth day of August of the following year wilfully shoots or kills, or causes to be shot or killed, any grouse or prairie chicken, fool hen, sage hen, pheasant or partridge, or who during the open season shoots or kills, or causes to be shot or killed, more than twenty grouse, or prairie chickens, or fool hens, or pheasants, or sage hens, or partridges, in any one day shall be punished by a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not exceeding three months nor less than one month, or by both such fine and imprisonment." Provided that nothing shall prevent the capture and export by an authorized agent of the Smithsonian Institution of any of the game animals mentioned, for propagagtion and exhibition in the National Zoological Park, under such restrictions as the State Game & Fish Warden may impose, and the said State Game & Fish Warden is hereby auth-

Number killed in a day.

Penalty.

Proviso.

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Permits.

orized to grant permits for the capture and export of such animals in accordance with this provision, but this Section shall not effect nor repeal any Acts or

Limitation of repeal.

parts of Acts in conflict herewith, except as to the particular matter herein mentioned.

Section 5.

Section 6 of said Act amended.

That Section 6 of said act be and the same is hereby amended so as to read as follows:

"Section 6.

Wild Geese, Wild Ducks, Brant, Swan, close season for.

Every person who wilfully shoots or kills, or causes to be shot or killed, any wild geese, wild ducks, brant or swan between the first day of January of any year and the first day of September of the same year, shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail for a term not exceeding three months or less than one month, or by both such fine and imprisonment."

Penalty.

Section 6.

Section 11 of said Act amended.

That Section 11 of said act be and the same is hereby amended so as to read as follows:

"Section 11.

Seine or catch net Missouri River.

It is, however, lawful to use a seine or catch net in the Missouri River, except in that portion of said river known as Lake Sewall extending from the dam of the Missouri River Power Company, in Lewis and Clarke County, Montana, up said river to the bridge known as Blake's Ferry bridge, in Broadwater County, and also

Yellowstone River.

in the Yellowstone river, except in that portion of said river above its confluence with the Clark's Fork river;

Mesh.

provided, said seine or net has a mesh not less than

Proviso.

one and one-half inches square; provided, further, that it shall be unlawful for any person to sell, or offer for sale, any fish caught by the use of such seine or catch net. Any person guilty of a violation of the provisions of this section shall be punished by a fine of not less

Penalty.

than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for a

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term not less than sixty days nor more than six months, or by both such fine and imprisonment."

Section 7.

Section 12 of said Act amended.

That Section 12 of said Act be and the same is hereby amended so as to read as follows:

Fish for speculative purposes or for sale.

"Section 12. Every person who in any way catches any trout, grayling or black bass, or who shall remove the eggs or spawn from any of said fish for speculative purposes, for market or for sale, or who shall sell, or offer for sale, any trout, grayling, black bass, or eggs, or spawn therefrom, shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment; provided, however, that this section shall not apply to fish caught in private ponds by the owners thereof."

Penalty.

Section 8.

Section 21 of said Act amended.

That Section 21 of the said Act be and the same is hereby amended so as to read as follows:

"Section 21.

Fines and penalties recovered in civil action in name of State.

All fines and penalties mentioned in any section of this act may be collected by a civil action in the name of the State of Montana in any court of competent jurisdiction upon proper complaint being filed, and the amount of all fines collected under the provisions of this act shall be paid to the State Treasurer and by him placed to the credit of the fish and game fund.

Fish and Game Fund.

All such fines and costs shall be collected without stay of execution, and the defendant, or defendants, may by order of the court be confined in the county jail of the county until such fines and costs are paid."

Enforcement of Judgment.

Section 9.

Repealing clause.

All Acts and parts of acts in conflict herewith are hereby repealed.

Section 10.

When act takes effect.

This Act shall be in effect from and after its passage and approval.

Approved Mch 4, 1903

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CHAPTER LIX.

An Act to appoint the Entomologist of the Experiment Station, State Entomologist, and appropriate Money to pay his travelling Expenses.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Entomologist of Montana.

The entomologist of the Montana Agricultural College and Experiment Station shall be known as the State Entomologist of Montana.

Section 2.

Duty of State Entomologist.

It shall be the duty of the State Entomologist to conduct field investigations of the injurious insects of fruits, vegetables, grains, grasses, forage crops, including clover and alfalfa, root crops, shade trees, ornamental plants, and any other insects that may become injurious. When it becomes known to the State Entomologist that an outbreak of an insect has occurred in any part of the State, it shall be his duty, so far as is possible without conflicting with his other duties, to go to the scene of the outbreak, determine its extent and seriousness, and, when necessary, publish or make public demonstration of the best remedies to be employed.

Section 3.

Report.

The Entomologist shall make an annual report to the Governor of the State, on or before the first day of January, which report shall be published by the Experiment Station as one of its regular bulletins, and shall contain a report of his work and expenditures under this Act.

Section 4.

No compensation from State.

The State Entomologist shall receive no compensation for his services other than what he may receive from the Montana Agricultural College and Experiment Station, but his actual travelling expenses not to exceed three hundred dollars, shall be paid, and such

Travelling expenses not exceeding $300.00.

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sum is hereby annually appropriated for the purposes of this act out of the moneys of the State Treasury, not otherwise appropriated. Appropriation.

Upon the certification of the Secretary of the Executive Board of the Montana Agricultural College and Director of the Agricultural Experiment Station, the State Auditor is authorized to issue warrants to cover the travelling expenses of the State Entomologist while engaged in carrying out the provisions of this Act. Certificate. Warrant.

Section 5.

This Act shall take effect and be in force from and after its passage and approval by the Governor. When act takes effect.

Approved Mch. 4th 1903

CHAPTER LX.

An Act Entitled, "An Act to Amend Section 705 of Title X of the Penal Code of the State of Montana, to have the cages in all Mines cased in, as Amended by House Bill No. 77, of the Laws of the Fifth Legislative Assembly."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 705 of Title X of the Penal Code of the State of Montana, to have the cages in all mines cased in, as amended by House Bill No. 77, of the Laws of the Fifth Legislative Assembly, be, and the same is hereby amended so as to read as follows: Section 705, Title 10, Penal Code as amended by House Bill 77 of 5th session, amended.

Section 705. It is unlawful for any corporation or person to sink or work, through any vertical shaft where mining cages are used, to a greater depth than three hundred feet, unless said shaft shall be provided with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees thereof, said cage to be also provided with sheet iron or steel casing not less than one-eight inch in diameter; doors to be made of the same material shall be hung on hinges, Shaft. Cage, construction of.

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or may be made to slide and shall not be less than five feet high from the bottom of the cage, and said doors must be closed when lowering or hoisting the men. Provided, that when such cage is used for sinking only, it need not be equipped with such doors as are hereinbefore provided for. The safety apparatus, whether consisting of eccentrics, springs or other device, must be securely fastened to the cage, and must be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. The iron bonnet of the aforesaid cage must be made of boiler sheet iron, of good quality, of at least three-sixteenths of an inch in thickness, and must cover the top of such cage in such manner as to afford the greatest protection to life and limb from anything falling down said shaft. It shall be the duty of the Mining Inspector and his assistant to see that all cages are kept in compliance with this Section and to also see that the safety dogs are kept in good order.

Safety apparatus.

Duty of Mining Inspector.

Every person or corporation failing to comply with any of the provisions of this Section is punishable by a fine of not less than three hundred dollars, nor more than one thousand dollars.

Failure to comply with Act, penalty for.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect from and after its passage and approval.

When act takes effect.

Approved March 4, 1903

CHAPTER LXI.

An Act To Amend Section 1510 Of The Code Of Civil Procedure Of The State Of Montana, Relating To The Service Of Summons Issued From Justices' Courts.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1510 of the Code of Civil

Section 1510 Code of Civil

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Procedure of the State of Montana be, and the same is hereby amended so as to read as follows:

Procedure, amended.

Section 1510. The summons may be served by a sheriff or constable of any of the counties of this State: provided that when a summons issued by a justice of the peace is to be served out of the county in which it is was issued, the summons shall have attached to it a certificate under seal by the county clerk of the county in which it was issued, to the effect that the person issuing the same was an acting justice of the peace at the date of the summons; or the summons may be served by any male person resident in the State, over the age of eighteen years, not a party to the suit, and must be served and returned as provided in Title V, Part II of the Code (Sections 635 and 636); or it may be served by publication, and Sections 637, 638 and 639 of this Code, so far as they relate to publication of summons, are made applicable to justices' courts; the word "justice" being substituted for the word "clerk" whenever the latter word occurs.

Summons, served by whom.

Proviso.

Justice of the Peace summons to have certificate attached.

Who may serve summons.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

When act takes effect.

Approved March 4, 1903

CHAPTER LXII.

An Act Entitled An Act to Extend and Define the Boundaries of Deer Lodge County, and to alter the Boundaries of Silver Bow County to Conform thereto.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that part of the State of Montana embraced within the following boundaries, shall be known as and shall be Deer Lodge County in the State of Montana, to-wit:

Deer Lodge County.

Beginning at a point where the first standard par-

Boundaries.

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allel north of the base line, according to the survey of public lands in Montana, intersects the main range of the Rocky Mountains; thence running west along said standard parallel to the point where the said standard parallel intersects the Deer Lodge Guide Meridian; thence south to the southeast corner of township number 4 north, of range number 10 west, of the principal base and meridian for Montana; thence west to the south corner common to sections 32 and 33 township number 4 north, of range number 10 west, of the principal base and meridian for Montana; thence in a southerly and westerly direction to the top of the divide between Willow Creek and Beef Straight; thence along the top of said divide to the point where it intersects with the main range of the Rocky Mountains; Thence following the summit of said main range of the Rocky Mountains as it trends in a southerly direction to the point where it is intersected by the divide between Bear Creek and Johnson Creek; thence following said divide in a southerly direction and continuing south to a point in the center of the channel of the Big Hole River; thence up along the center of the channel of the Big Hole River to the point where it is intersected by Rock Creek; thence up the center of the channel of Rock Creek to the summit of the Rocky Mountains; thence in a northerly direction along the summit of the Rocky Mountains to the point where it is intersected by the Flint Creek Guide Meridian; thence north along said Flint Creek Guide Meridian to the north east corner of township 5 north, of range number 14 west, of the principal base and meridian for Montana; thence running east by township lines to the point at the intersection of the line between ranges 11 and 12 west of the principal base and meridian for Montana; thence north to the present south boundary of Powell County; thence east by section lines to the south east corner of section 14 in township 6 north, of range 8 west, of the principal base

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and meridian for Montana; thence north to the north east corner of section 2 in township 6 north, of range 8 west, of the principal base and meridian for Montana; thence east to the summit of the main range of the Rocky Mountains; thence in a southerly direction along the main range of the Rocky Mountains to the place of beginning.

Same.

Section 2. All territory and appurtenances within the boundaries of Deer Lodge County as established by this Act, that heretofore belonged to Silver Bow County, are hereby segregated from Silver Bow County, and are attached to and made a part of Deer Lodge County

Boundaries of Silver Bow County.

Section 3. The Boundaries of Silver Bow County are hereby altered to conform to the boundaries of Deer Lodge County as established by this Act.

Indebtedness of Silver Bow County to be apportioned.

Section 4. The indebtedness of Silver Bow County as the same shall exist at the time of the passage of this act, shall be apportioned between the said County of Silver Bow and the said County of Deer Lodge, after first deducting therefrom the value of all County buildings, real estate and personal property, belonging to Silver Bow County, and not included within the territory hereby segregated from Silver Bow County and to Deer Lodge County, in, proportion to the assessed valuation of all property within the territory so segregated from the said County of Silver Bow, bears to the assessed valuation of all property remaining within the said County of Silver Bow after the said alteration of its boundaries.

Section 5. The apportionment of said indebtedness shall be based upon the value of the assessable property of Silver Bow County for the year 1902 as determined by the Boards of equalization, and a depreciation of one per cent per annum from the date of construction of the county buildings and improvements shall govern in the estimate of the value of said County buildings and improvements, and the actual value of

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all other real estate and County property as it may exist when the apportionment is made, shall govern such estimate.

Persons to make apportionment.

Section 6. The Chairman of the Boards of County Commissioners of Silver Bow County and Deer Lodge County, together with Judge Henry C. Smith or Judge J. M. Clements, of the District Court of the First Judicial District of Montana, shall meet at the Court House in Butte, Montana, on a day to be named by said District Judge, not later than June 15th, 1903, and there make the apportionment of indebtedness as provided for in this, Act.

Warrrant in payment of apportionment.

Section 7. Immediately after apportioning the indebtedness, as provided for in Section 4, 5 & 6 of this Act, the County Commissioners of Deer Lodge County shall caused to be drawn, issued and attested, a lawful warrant on the general fund of Deer Lodge County, payable to the County of Silver Bow, in payment of the amount of indebtedness of Silver Bow County that shall have been so apportioned to the aforesaid segregated territory, herein attached to Deer Lodge County.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 9. This Act shall take effect and be in force on and after June 15th, 1903.

Approved March 4. 1903

CHAPTER LXIII.

An Act to protect the range from fires along the right of way of railroads and to provide a penalty for the violation of this Act.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That every railroad corporation operating its lines of road or any part thereof within this State, shall, be-

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tween the fifteenth day of April and the first day of July in the year 1903 and each succeeding year thereafter, plough in a good and workmanlike manner, covering the sod well, upon each side of its line of road wherever it passes through a range or grazing country, a continuous strip of not less than six feet in width on each side of its track, as a fire-guard, which said strip shall as near as practicable run parallel with the line or lines of said railroad, and in addition to such ploughing, said railroad company shall caused to be burned between the fifteenth day of July and the fifteenth day of September of each year, all the grass and vegetation between the said ploughed strips and a line of fifty (50) feet inside said ploughed strips: Provided that such fire guard so ploughed and burned need not be constructed within the limits of any town, village or city nor in private fields under cultivation nor along the line of such railroad whenever the same runs through the mountains or elsewhere where such ploughing or burning would be impracticable; and provided further, that said fire guard or portion thereof, need not be ploughed or burned on or through any lands which may be released from the operation of this act by the board of County Commissioners of the county wherein such land is situated by their written certificate of release filed in the office of the County Clerk of the said County; provided further, that said ploughing be not less than three hundred (300) feet from the center of the railroad track on each side of same. Except in cases of cultivated fields and then such ploughing and burning shall be done closer to such railroad but not less than seventy feet from the center of the track.

Railroad corporation to construct fire guard upon each side of line of road passsing through range or grazing country.

Proviso.

Proviso.

Release by County Commissioners.

Proviso.

Section 2.

That if any railroad company fails to comply with any of the provisions of Section 1 of this Act the Board of County Commissioners of the County wherein such violation occurs shall cause the neglected ploughing

Violation of Act.

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or burning or both therein provided for, to be done, and may in a suit to be brought in their name, as said board, in the District Court having jurisdiction, recover double the amount of the cost of such ploughing or burning or both with reasonable attorney fees to be affixed by the Court, and such railroad company shall be liable further for all damages caused by its failure to comply with this act.

Section 3.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4.

When act takes effect

This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Mch. 5th 1903

CHAPTER LXIV.

An Act to amend Section 1054 of the Criminal Code of the State of Montana, relating to malicious mischief, by adding to said Section another subdivision to be known as 7.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1054, Penal Code, amended by adding section.

That Section 1054 of the Criminal Code of the State of Montana be and the same is hereby amended so as to read as follows:

Section 1054.

Wilful trespass.

Every person who wilfully commits any trespass, by either—

1.

Injury to wood or timber.

Cutting down, destroying or injuring any kind of wood or timber standing or growing upon the lands of another; or,

2.

Carrying away wood or timber.

Carrying away any kind of timber or wood lying on such lands; or,

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3.

Injuring or severing thing attached to freehold.

Maliciously injuring or severing from the freehold of another anything attached thereto or the produce thereof; or,

4.

Taking away earth or stone from city lot.

Digging, taking or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil or stone; or,

5.

Taking away earth or stone without license.

Digging, taking or carrying away from any land in any of the cities of the State, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue or park, without the license of the proper authorities, any earth, soil or stone; or,

6.

Putting up advertisement.

Putting up, fastening, printing, or painting upon any property belonging to the State, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person without license of the owner, any notice, advertisement or designation of, or any name of any commodity, whether for sale or other wise, or any picture, sign, or device intended to call attention thereto; or,

7.

Hunting or fishing upon land of another

Hunts or fishes, without permission, upon the enclosed premises of another, when there is posted upon such premises in one or more conspicuous places, a notice warning against trespass; Is guilty of a misdemeanor.

Misdemeanor.

Approved Mch 5th 1903 .

CHAPTER LXV.

An Act to compel railway corporations operating in Montana to correctly report delayed passenger trains to the travelling public.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Railway corporations to give notice of delayed passsenger trains

All Railway Corporations operating in the State of Montana, shall, upon the arrival of a delayed passenger train, at the first division terminal, within the confines of this State, notify by telegraph every station on the line of road within the State, how much the said passenger train is delayed. An upon the arrival of such delayed passenger train, at each succeeding division terminal, it shall be the duty of the dispatcher, or telegraph operator at each of such terminals to notify every telegraph station on the line of road within the State, not yet reached by said train, how late said train is.

Section 2.

Notice to be posted in station.

Every operator, agent or person in charge of the telegraph station, shall post a notice in a conspicuous place in the Station or waiting room, and when such telegraph station is connected by telephone with the Central Exchange in any town or city, he shall promply notify such Central Exchange, how late the delayed passenger train is running.

Notify Central Telephone Exchange.

Section 3.

Violation of act by agent, penalty.

Every operator, agent, or person in charge of a telegraph station who shall fail, neglect or refuse to post said notice correctly, advise such central telephone exchange shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed twenty-five dollars.

Section 4.

Violation of act by corporation. penalty.

Any Railway Corporation that shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one hundred dollars, for each and every offense

Section 5.

When act takes effect.

This Act shall be in effect on and after its passage and approval by the Governor.

Approved Mch 5th 1903

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CHAPTER LXVI.

An Act to Amend Section 908 of Chapter I Title VIII Part IV Division I of the Civil Code of Montana, and to repeal Section 689 of the Penal Code.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 908 of Chapter I Title VIII Part IV Division I of the Civil Code of Montana be, and it is hereby, amended so as to read as follows:

Section 908, Chap. 1, Title 8, Part 4, Division 1, Civil Code, amended.

Section 908. "If any railroad corporation within this State shall ask, charge, or demand any exhorbitant rate of compensation for the transportation of any freight, baggage, express matter or passenger, or make any unjust discrimination in its rates, or shall neglect to provide comfortable and convenient cars or coaches for the transportation of its passengers and their baggage, or safe cars for the transportation of express matter and freight, or shall use any highly inflammable oils for lighting any car on its passenger trains, or shall wilfully neglect to keep a table of its passenger tariff and rates of freight conspicuously posted in each depot within this State, or fail to light its track in any City in this State, or shall transport within this State on any of its passenger cars, any oil of vitrol, gun powder, lucifer matches, nitro glycerine, glynon oil, nytroleum or blasting oil, or nitrate oil, or powder mixed with any such oil, or fibre saturated therewith, or duolin or giant powder, or blasting powder, or any other goods of a dangerous nature, or in any incorporated city or town in this state run any train at a rate of speed forbidden by the laws of this State or the ordinances of such city or town, or run any train over any unsafe bridge, trestle work, or acqueduct in this State; or fail to have upon any locomotive in use by it in this State a bell and steam whistle in fit condition for use thereon; or shall permit any locomotive to ap-

Duty of Railroad Corporation in regard to public and operation of trains.

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proach any highway, road or railroad crossing, without causing the whistle to be sounded, at a point between fifty and eighty rods from the crossing, and the bell to to be rung from said point until the crossing is reached; or shall wilfully fail to make any report herein required, or which may be hereafter required by any law of this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for the first offense in the sum of one thousand dollars, and for the second violation of the same provision, two thousand dollars, and for every other and further violation of any provision of which it has been twice before found guilty, a sum not less than five nor more than ten thousand dollars."

Penalty.

Section 2.

Sec. 689 of Penal Code Repealed.

Section 689 of the Penal Code is hereby repealed.

Section 3.

When act takes effect.

This Act shall take effect from and after the date of its final passage.

Approved Mch 5th 1903

CHAPTER LXVII.

An Act to create in each County of Montana, a commission to be known as a County Agricultural fair commission, and providing an appropriation from the County Treasury of each county of the sum of One Thousand Dollars, to be expended by the commission for county fair expenses.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

County Commissioners may appoint County Agricultural Fair Commission.

The Board of County Commissioners of each County of Montana may at their regular meeting in March of each year, appoint from among the electors of their respective counties five persons to constitute a County Ag-

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ricultural Fair Commission. Said persons shall be responsible men who are well qualified to perform the duties of organizating [organizing] and successfully carrying on a county Fair. In case there is in any county a Fair Association, the Board of County Commissioners shall appoint said Fair Commission from the members of said Fair Association, giving the preference in said appointments to the officers of said Fair Association. Qualifications.

Section 2.

There may be appropriated by the Board of County Commissioners of their respective counties of this State out of the general fund in the county treasury, the sum of one thousand dollars per year, for the purpose of paying the expenses of the County Agricultural Fair to be held in each county aforesaid. Said County Agricultural Fair shall be held between the 20th day of August and the 20th day of October of each year. Said one thousand dollars shall be expended by said Fair Commission in the payment of the expenses of conducting such Fair; provided, however, no portion of said one thousand dollars shall be expended for either or any of the following purposes to-wit: horse racing, contests of speed, or any shows or amusements of any kind whatever. Appropriation. When Fair to be held. Expenditure of appropriation. Proviso.

Section 3.

Each member of said Commission shall receive the sum of $25.00 and no more as compensation for their services as members of said Commission, and for all services in connection with said Fair. Compensation of members.

Section 4.

Said Commission shall do all things necessary to hold a successful County Agricultural Fair in their respective counties. Duty of Commission.

Section 5.

Said Commission shall organize by electing one of its members president, one of its members secretary, and one of its members treasurer. Said Treasurer shall Organization of Commisssion.

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Treasurer to give bond.

give bonds in such sums as may be required by the Board of County Commissioners, and said sum of one thousand dollars shall be appropriated out of the County Treasury by the Board of County Commissioners, as aforesaid, shall be paid to said Treasurer and shall be paid out by him on orders signed by the President and secretary of said Fair Commission.

Section 6.

When act takes effect.

This Act shall be in force from and after its passage and approval.

Approved Mch 5th 1903

CHAPTER LXVIII.

An Act permitting school trustees to use school funds for the purpose of transporting pupils and paying their tuition.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Transportation of pupils.

That the trustees of any school district in the State of Montana may, when they shall deem it for the best interest of all the pupils residing in such district close their school and send the pupils of the district to another district, and for such purpose are hereby empowered to expend any monies belonging to their district for the purpose of paying for the transportation of the pupils from their district to such other districts and paying their tuition.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Mch 5th 1903

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CHAPTER LXIX.

An Act to amend Sections 2 and 3 of Senate Bill No. 37 as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the Election of the Trustees of the County Free High Schools.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 2 of Senate Bill No. 37 as enacted by the Seventh Legislative Assembly and approved Feb. 14, 1901, be amended to read as follows:

Section 2 of Senate Bill 37 of 7th session, approved Feby. 14, 1901, amended.

Section 2.

That section 3 of said Act be amended to read as follows:

Section 3.

Election of Trustees of County Free High School.

The election shall be conducted in all respects the same as the election for school trustees except that the County Commissioners shall call the election and that there shall be no registration of the voters required or printed ballots furnished. The Boards of School Trustees in the several school districts in the county shall be notified by the County Commissioners of the holding of said election immediately after making publication of notice provided for in Section 2 of this Act. The Boards of School Trustees, as in the case of elections for school trustees, shall appoint judges of election for the several school districts and voting precincts, who shall officiate at said election.

Canvass of ballots.

After the election the ballots on said question shall be canvassed in the same manner as in the case of school trustees except that the judges of election in the different districts and precincts shall forward the returns to the County Clerk and Recorder of the County to be canvassed and the result to be determined by the Board of County Commissioners. The work of canvassing the returns shall be expeditiously done,

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and if for any reason delay should occur in forwarding the returns from different precincts in the County, or from any of them, the Board of County Commissioners must take steps to see that the delayed returns are promptly forwarded. A plurality vote, when more than one candidate is voted for in favor of the establishment of such County Free High School, will be deemed sufficient. If only one place is voted for, a majority vote favoring the proposition will be required. If the election results in favor of establishing such High School the county commissioners shall by an order duly entered on their minutes so declare the fact and the Board of County Commissioners shall promptly proceed to appoint six persons residents and tax payers of the county, three of whom shall be residents of the township where the school is located, who shall with the county superintendent constitute a Board of trustees for said school. Each of said trustees appointed as aforesaid shall hold office until the third Saturday in April next succeeding his appointment, and until his successor is elected and qualifies, and shall be required within ten days after appointment to qualify by taking the usual oath of office and by giving such bond as may be required by the county commissioners for the faithful discharge of his duties.

Section 2.

Section 3 of said Act amended.

That Section 3 of said Act be amended to read as follows:

Section 3.

Election of Trustees.

There shall be elected in each county, having a Free High School, at the regular annual school election on the first Saturday in April of each year, in the same manner as provided by law for the election of trustees for school districts in second and third class districts, three Trustees of the County Free High School, who shall hold office for a term of two years and until their successors are elected and qualify. On the next succeeding first Saturday in April after the establishment

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of a County Free High School in any county there shall be elected in said County six trustees of the County Free High School, who shall be divided into two classes of three each, the term of those in the first class shall expire one year from the third Saturday in April following their election, and the term of those in the second class shall expire two years from the third Saturday in April following their election. When a vacancy occurs in the office of trustees in any County Free High School, by death, resignation removal from the county or otherwise, the fact of such vacancy shall be immmediately certified by the secretary to the Board of County Commissioners, who shall as soon as practicable fill such vacancy by appointment, which appointment shall be in writing, and shall entitle the appointee to hold office until the next regular school election, Provided, that absence from the county for sixty days shall constitute a vacancy in the office of trustee.

Section 3.

Repealing clause.

That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1903

CHAPTER LXX.

An Act to amend Sections 860, 861, 862, 863 and 865 of the Civil Code Relating to Religious, Social and Benevolent Corporations.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 860 to 863 and 865, Civil Code, amended.

Sections 860, 861, 862, 863 and 865 of the Civil Code are hereby amended so as to read as follows:

860. Associations, where pecuniary profit is not the object, for the purpose of establishing and conducting churches, hospitals, lyceums, musical and sci-

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entific societies, libraries, lodges of Free and Accepted Masons, Independent Order of Odd Fellows, Independent Order of Good Templars, granges of patrons of Husbandry, and all other associations, societies and orders of like character, and social clubs and agricultural societies, stockgrowers associations, and other associations of like character, including local, independent and subordinate organizations as well as state, respective, supervisory, governing and grand organizations and bodies, of any such associations society or order may become incorporated upon complying with the provisions of this Title.

Incorporation of Religious, Social and Benevolent Corporations.

861. It shall be lawful for any such association at any regular meeting thereof or at a special meeting for that purpose called, to adopt by a vote of two-thirds of the members thereof then present, a resolution to the following effect:

Resolution of incorporation.

"Resolved, That the Trustees of this (Church, synod, presbytery, conference, assembly, lodge grand lodge or other association, as the case may be), to-wit: (A. B., C. D., Etc., giving the name of the duly elected Trustees or Directors) be and are hereby authorized to incorporate this (church, synod, presbytery, conference, assembly, lodge, grand, or other association, as the case may be), and for that purpose to file with the proper officer articles of incorporation as required by law."

Trustees or directors.

The Trustees or Directors named in such resolution must conduct the affairs of the corporation so formed until their successors are elected and qualified.

862. The Trustees or Directors of whom there must be not less than three and not more than thirteen, named in such resolution may thereupon make, file and record in the office of the County Clerk and Recorder of the County where such association is located, if such association be a local or subordinate association, or in the office of the Secretary of State, if such association be a state, representative, supervisory, governing or grand organization or body, articles of incorporation and must attach to such articles a copy of the resolu-

Articles of Incorporation.

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tion provided for in Section 861, certified to by the President or other presiding officer and the Secretary or other recording officer of such meeting. In lieu of the requirements of Section 403 of this Code such articles of incorporation must contain the following:

Articles, what to contain.

1. The name of the Corporation.

2. The purpose for which it is organized.

3. The number of Trustees or Directors for the first year of the corporate existence of such corporation.

Powers of Corporation.

Corporations so organized may have continual succession, have a common seal, elect all necessary officers, adopt by-laws not inconsistent with laws and enforce the same by appropriate penalties; have the same rights as other corporations in prosecuting and defending suits at law; may take and hold by purchase, gift, devise or bequest personal or real estate and may use and dispose thereof only for the purposes for which the corporation is organized.

By-laws.

863. Corporations organized for purposes other than profit may, in their by-laws, ordinances, constitutions or articles of corporation, in addition to the provisions in Section 862 of this Code, provide for:

1 The qualification of members, mode of election, and terms of admission to membership.

2. The fees of admission and dues to be paid into their Treasury by members.

3. The number of members that constitutes a quorum at any meeting of the Corporation, and an election of officers of the Corporation by a meeting so constituted, shall be as valid as if there had been a majority of the members present thereat and voting.

4. The expulsion and suspension of members for misconduct or non payment of dues; also for restoration to membership.

5. Contracting, securing, paying and limiting the amount of their indebtedness.

6. Other regulations, not repugnant to the consti-

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tution or laws of the State and consonant with the objects of the Corporation.

Mortgage or sell property.

865. Corporations of the character mentioned in this title heretofore organized or that may be hereafter organized may mortgage or sell real and personal property held by them in such way and through such officers as may be authorized by their constitutions, by-laws or resolutions.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3.

When act takes effect.

This Act shall take effect and be in full force from and after its passage.

Approved Mch 5th 1903

CHAPTER LXXI.

An Act providing for the punishment by fine or imprisonment, the unlawful or malicious taking down, removing, injuring, interfering with or obstruction of any line or lines erected or maintained for the purpose of transmitting electricity for developing light, heat or power, or any part thereof, or any insulator or cross-arm, appurtenance or apparatus connected therewith, or severing or in any way interfering with the wire or wires, cables or cable, current or currents thereof or the attempting to do the same, being an act to amend an act entitled "An Act to Establish a Penal Code" Approved February 19-- 1895, by adding a new section thereto, to be known as section 1077.

Be it Enacted by the Legislative Assembly of the State of Montana, as follows:

Section 1.

An Act of the Legislature of the State of Montana

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entitled "An Act to Establish a Penal Code" approved February 19, 1895 is hereby amended by adding a new section thereto to be known as Section One Thousand and Seventy-Seven and to read as follows:

Interference with electrical apparatus.

Section 1077. Every person who unlawfully or maliciously takes down, removes, injures, interferes with or obstructs any line or lines erected or maintained for the purpose of transmitting electricity for developing light, heat or power, or any part thereof, or any insulation or cross-arm appurtenance or apparatus connected therewith, or severs or in any way interferes with the wire or wires, cable or cables, current or currents thereof, or who attempts to do the same, is punishable by fine not exceeding Five Hundred Dollars, or imprisonment in the County Jail not exceeding one year."

Penalty.

Approved Mch 5th 1903

CHAPTER LXXII.

An Act to amend Section 4760 of the Political Code of the State of Montana Relating to Vacancies in Elective Offices of Cities.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 4760, Political Code, amended.

That Section 4760 of the Political Code of the State of Montana be amended so as to read as follows:

Filling vacancy in elective City office.

"Section 4760. When any vacancy occurs in any elective office, the council, by a majority vote of the members, may fill the same for the unexpired term, and until the qualification of the successor. A vacancy in the office of Alderman must be filled from the ward in which the vacancy exists, but if the council shall fail to fill such vacancy before the time for the next election the qualified electors of such city or ward may nominate and elect a successor to such office. The

Alderman.

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Removal of Officer by City Council.

council, upon written charges, to be entered upon their journal, after notice to the party and after trial by the council, by vote of two-thirds of all the members elect, may remove any officer."

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved Mch. 5th 1903

CHAPTER LXXIII.

An Act entitled An Act to Prohibit the Advertising to Procure Divorces.

Be it Enacted by the Legislative Assembly of the State of Montana:

Advertising to procure divorce forbidden.

Section 1. Any person who advertises, prints, publishes, distributes or circulates, or causes to be advertised, printed, published, distributed, or circulated, any circular, pamphlet, card, hand-bill, advertisement, printed paper, book, newspaper, or notice of any kind, with intent to procure, or to aid in procuring any divorce, either in this State or elsewhere, shall be fined not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), for such offense, or imprisoned in the County Jail not less than ten days nor more than thirty days, or both each fine and imprisonment.

Penalty.

Not to apply to publication of summons.

Section 2. This Act shall not be deemed to apply to the publication of Summons in Actions for Divorce.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch. 5th 1903

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CHAPTER LXXIV.

"An Act to change the spelling of the name, Choteau."

Be it Enacted by the Legislative Assembly of the State of Montana:

Choteau County changed to Chouteau County.

Section 1. That the name of Choteau County be, and the same is hereby amended in its spelling to read "Chouteau County."

Not to affect proceedings.

Section 2. That nothing contained in the foregoing Section shall affect any action or proceeding heretofore begun in said County.

Repealing clause.

Section 3. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Mch 5th, 1903

CHAPTER LXXV.

An Act to be entitled "An Act to enable the Normal School Land Grant to be Further Utilized in Providing additional Buildings and Equipment for the Montana State Normal School."

Be it Enacted by the Legislative Assembly of the State of Montana:

State Board of Land Commissioners to issue bonds.

Section 1. The State Board of Land Commissioners of the State of Montana is hereby authorized and directed to issue bonds to the amount of Twenty-five Thousand Dollars ($25,000.00); the minimum denomination of such bonds shall be Two Hundred and Fifty Dollars, and the maximum denomination One Thousand Dollars each; said bonds shall be known as the State Normal School bonds of 1903, and shall become due in twenty years after date of bonds and payable ten years after the date thereof. Said bonds shall bear interest at the rate of not more than five per cent

State Normal School Bonds of 1903.

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per annum, payable semi-annually, on the first day of November and the first day of May of each year, at the office of the State Treasurer of the State of Montana. Said bonds shall run from the State Board of Land Commissioners of the State of Montana to bearer, and shall be signed by the State Board of Land Commissioners and countersigned by the Secretary of State, who shall attach his seal thereto. Provided, however, that nothing in this Act shall be so construed as to hold the State of Montana liable for the payment of the bonds herein authorized or the interest thereon.

Proviso.

Bonds.

Section 2. Said bonds shall bear date of May 1st, 1903, and shall be issued and sold as soon as possible after the passage of this Act.

Funds realized.

Section 3. All funds realized from the sale or leasing of the lands, and licenses to cut trees thereon (being one hundred thousand acres) granted by the United States to the State of Montana, for for the establishment and maintenance of a State Normal School under and by virtue of the provisions of Section 17 of the Act of Congress, approved February 22nd, 1889, entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form state governments and to be admitted to the Union on an equal footing with the original States, and to make donations of public lands to such States," except such funds as may be necessary for the payments of the bonds heretofore issued against such funds and the interest thereon, are hereby pledged as security for the payment of the principal and interest of the bonds authorized by this Act, and all monies or revenues from said lands or any of them, whether on account of the sales or leases of said lands, or the sales of timber therefrom, or otherwise, (except such monies as are necessary to the payment of principal and interest on the bonds heretofore issued, being the same above referred to) are hereby set apart and

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shall continue a fund for the payment as hereinafter provided of the principal and interest of the said bonds, which shall be a lien on said Normal School Bond fund.

Duty of State Treasurer.

Section 4. It shall be the duty of the State Treasurer to keep all monies derived from the State Normal School lands hereinbefore mentioned in a separate fund, to be designated and known as the State Normal School Fund, and out of the monies in such fund he shall pay, after the approval of the State Board of Examiners;

Payments, how made.

1st. All sums due as principal or interest on the bonds heretofore issued and referred to in Section 3 hereof.

2nd. The cost and expense of issuing the bonds authorized by this Act.

3rd. The interest of the bonds herein authorized, when due; and

4th. When such bonds shall become payable, he shall call in and pay the same as rapidly as the money in such fund will permit, after providing for the interest. In the event that there shall not be sufficient money in the State Normal School Bond Fund to pay the interest when due, the State Board of Examiners shall, by an order entered upon their minutes, cause warrants to be issued on the State Normal School Bond Fund for the amount of interest due, and the warrants so issued shall bear interest at the rate of five per cent per annum; said warrants shall be paid by the Treasurer as soon as sufficient money accumulates in said fund applicable thereto to pay the same, and by reason of the delivery of said warrants to the holders of said bonds in satisfaction of accrued interest, there shall be no default in the payment of the interest.

State Treasurer to give notice by advertising of sale of bonds.

Section 5. It shall be the duty of the State Treasurer to give notice by advertising for not less than two insertions in one newspaper published in the City of Helena and in one newspaper published in the City of New York, that he will on the fourth day of April,

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1903, sell the Twenty-five Thousand Dollars of bonds hereby authorized, and will receive bids therefor, and said bonds shall on said day be sold to the highest bidder, or to the person offering to take the same at the lowest rate of interest, as may be directed by the State Board of Land Commissioners. If no bids are then received, or if none are accepted, said bonds may be sold afterwards at private sale, provided that the said Board of Land Commissioners shall have the right to open, receive and examine all bids for such bonds, and in its discretion accept or reject the same, and provided further that none of said bonds shall at any time be sold for less than par.

Proviso.

Use of monies.

Section 6. The monies derived from the sale of said bonds shall be used to erect, furnish and equip an additional Dormitory for the State Normal School at Dillon, Montana, and shall be paid out for such purpose by the State Treasurer upon vouchers approved by the Executive Board of said Normal School, and allowed and ordered paid by the State Board of Examiners.

Executive Board.

Section 7. The erection, enlargement, and equipment of said buildings shall be under the control of the said Executive Baord; provided, however, that all contracts for the erection of buildings shall be approved by the State Board of Education before the same shall become valid and binding.

When act takes effect

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 5th 1903

CHAPTER LXXVI.

An Act Entitled, "An Act providing for the setting apart of a room in the Capitol Building of the State of Montana for the storage and safe keeping of the archives, and records etc., of the Grand Army of the Republic."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Setting apart room in State Capitol for use of Grand Army

Section 1. The Governor and Secretary of State are hereby authorized and directed to set apart a suitable room, in the Capitol Building of the State of Montana, for the storage and safe keeping of archives, records etc. of the Grand Army of the Republic.

When act takes effect.

Section 2. This Act shall be in full force and effect from and after its passage.

Approved Mch 5th 1903

CHAPTER LXXVII.

"An Act to Provide for the Support of the Government of the State of Montana for the fiscal years 1903 and 1904."

Be it Enacted by the Legislative Assembly of the State of Montana:

Tax levy for State purposes 1903.

Section 1. There is hereby levied for State purposes upon all the property in the State liable to taxation for the fiscal year of 1903 an advalvorem tax of two and one-half mills on each dollar of the valuation of such property.

Tax levy for State purposes 1904.

Section 2. There is hereby levied for State, Purposes upon all the property in the State liable to taxation for the fiscal year of 1904 an advalorem tax of two and one-half mills on each dollar of the valuation of such property.

When act takes effect.

Section 3. This Act shall take effect from and after its passage.

Approved Mch 5th 1903

CHAPTER LXXVIII.

An Act Entitled An Act authorizing Receivers, Assignees, Trustees, Guardians, Committees, Executors Administrators, or Curators, or any persons holding positions of judicial trust to include as a part of the

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lawful expense of executing their trust, the cost of procuring bonds, and to allow parties litigant to recover such expenditures as costs, and also providing for the payment of such costs under certain conditions, by City or County authorities.

Be it Enacted by the Legislative Assembly of the State of Montana:

Expense of obtaining bond to be taxed as costs.

Section 1. That any Receiver, Assignee, guardian, trustee, committee executor, administrator, Curator or other fiduciary required by law, or the order of any Court or the judge thereof, to give a bond or other obligation as such, may include as a part of the lawful expense of executing his trust, such reasonable sum paid a company authorized under the laws of this State to be or become surety on any such bond for becoming his surety on such bond or obligation as may be allowed by the Court in which, or a judge before whom he is required to account not exceeding one half of one per cent per annum on the amount of such bond; and in all actions and proceedings the party entitled to recover costs therein shall be allowed and may tax and recover such sum paid such Company for executing any bond, recognizence, undertaking, stipulation, or other obligation therein, not exceeding, however, one-half of one per cent on the amount of such bond, recognizance, undertaking, stipulation or other obligation during each year same has been in force.

When act takes effect.

Section 2. This Act shall take effect from and after the date of its passage and approval by the Governor.

Approved Mch 5th 1903

CHAPTER LXXIX.

"An Act to amend Section 1840, of the Political Code of Montana relating to the qualifications of teachers."

Be it Enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 1840 of the Political Code of Montana be amended so as to read as follows: Section 1840, Political Code, amended.

Section 1840. No person shall be accounted as a qualified teacher, within the meaning of the school law, who has not first appeared before the County Superintendent of the County in which he proposes to teach and received a certificate setting forth his qualifications; or who has not received a temporary certificate from the County Superintendent; or who has not a State Certificate or Life Diploma from the State Board of Education, or a certificate from some other county, endorsed by the County Superintendent; Or a diploma from the State Normal College, Provided, that special certificates may be granted to persons employed to teach either music, elocution, physical culture, drawing, modern languages, penmanship, or in the first Primary, or kindergarten Department; and provided further, that nothing herein contained shall be so construed as to invalidate any certificate now in force. Qualified teacher, who is. Proviso.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in force and effect from and after its passage and approval. When act takes effect.

Approved Mch 5th 1903

CHAPTER LXXX.

An Act Entitled, "An Act to Prohibit the Use of Deception, Misrepresentation and False Advertising in the Procuring of Employees to Work in any Department of Labor in the State, and fixing Penalties, Criminal and Civil, for the Violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That it shall be unlawful for any person or persons, society, company, association, corporation, or organization of any kind, doing business in this State, to induce, influence, persuade or engage workmen False advertising to procure workmen.

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to change from one place to another in this State, through or by means of deception, misrepresentation and false advertising concerning the kind or character of the work, or the sanitary or other conditions of employment, or as to the existence of a strike or other trouble pending between the employer and the employees, at the time of, or immediately prior to such engagement. Failure to state in any advertisement, proposal or contract for the employment of workmen that there is a strike, lock-out, or other labor trouble at the place of the proposed employment, when in fact such strike, lock-out or other trouble then actually exists at such place, shall be deemed a false advertisement and misrepresentation for the purpose of this Act.

Penalty.

Section 2. Every person, company, corporation, society, association, or organization of any kind, doing business in this State, violating any of the provisions of this Act, is punishable by a fine of not less than One Hundred ($100.00) Dollars, not more than Two Thousand ($2000.00) Dollars.

Workman damaged.

Section 3. Any workman of this State, or any workman of any State, who has been, or shall be, influenced, induced or persuaded to engage with any person mentioned in Section 1 of this Act, through or by means of any of the things prohibited by this Act, shall have a right of action for recovery of all damages that he has sustained in consequence of the deception, Misrepresentation and false advertising used to induce him to change his place of employment, against any person, corporation, company, or association, directly or indirectly procuring such change, and in addition thereto, he shall recover reasonable attorney's fees to be fixed by the Court and taxed as costs in any judgment recovered.

Civil action for damages.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 5. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Mch 5. 1903

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CHAPTER LXXXI.

"An Act to amend Section 1757 of the Political Code, relating to the apportionment of money to the School Districts."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1757, Political Code, amended.

Section 1. That Section 1757, of the Political Code of Montana, be and the same is hereby amended, so as to read as follows:

Apportionment of school monies.

Section 1757. No School District shall be entitled to receive any apportionment of any school monies, which shall not have maintained a free school for at least three months during the next preceding school year; pro- Proviso. vided, That any new district formed by the division of an old one shall be entitled to its apportionment, where the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least three months, and, provided further, Proviso. that in isolated sections of a district consisting of not less than four children, and distant not less than five miles from the established school house in such district, where a school is maintained for three or four months by a regular qualified teacher for the benefit of the children of the families of such section, such district may draw the apportionment of school money for the children so attending said school.

When act takes effect.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 5th 1903

CHAPTER LXXXII.

An Act Entitled, "An Act to Further Protect Underground Miners."

Be it Enacted by the Legislative Assembly of the State of Montana:

Shaft.

Section 1. It is unlawful for any corporation or per-

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son operating any Mine in this State worked through a vertical or incline shaft, to stope within a less distance than twenty-five (25) feet of the said shaft, when other work is being carried on below said stoping.

Stope.

Speed of cage.

Section 2. It is unlawful for any person or corporation operating any mine in this State worked through a vertical or incline shaft, where a cage or other device is used for the purpose of hoisting or lowering men to run such cage when men are upon the same at a greater rate of speed than eight hundred (800) feet per minute.

Blacksmith shop or drying room

Section 3. It is unlawful for any person, company or corporation, to erect or maintain any building, or inclosure used for a blacksmith shop or drying room within a distance of fifty (50) feet of the mouth of any tunnel or shaft, unless the same shall be fire proof in its, construction.

Penalty.

Section 4. The penalty for violating the provisions of any of the preceding sections is the same as provided in in section 705 of the Penal Code. Provided. that when it shall appear that any engineer has violated the express order of his employer in running his engine at a greater speed than 800 feet per minute the engineer alone shall be subject to prosecution, and to the fine imposed by the provisions of this Act.

Proviso.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When act takes effect.

Section 6. This Act shall take effect and be in force from and after its passage.

Approved Mch 5th 1903

CHAPTER LXXXIII.

An Act to determine the liability of employers in this State for damages to employees.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Every railway corporation including electric railway

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corporations, doing business in this State shall be liable for all damages sustained by an employee thereof, within this State, without contributing negligence on his part, when such damages is caused by the negligence of any train dispatcher, telegraph operator, superintendent, master mechanic, yardmaster, conductor, engineer, motorman, or of any other employee who has superintendence of any stationary or hand signal.

Employes of Railway Corporations including Electric Railway Corporations.

Section II.

That every company, corporation, or individual operating any mine, smelter or mill for the refining of ores shall be liable for all damages sustained by an employee thereof within this State, without contributing negligence on his part, when such damage is caused by the negligence of any superintendent, foreman, shift-boss, hoisting or other engineer, or crane-men.

Employes of Mining, Smelting and Milling Corporations.

Section III.

No contract of insurance, relief, benefit, or indemnity in case of injury or death, nor any other contract entered into either before or after the injury, between the person injured and any of the employers named in this Act shall constitute any bar or defense to any cause of action brought under the provisions of this Act.

No contract of insurance, &c, to be bar or defense to action for damages.

Section IV.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section V.

This Act shall take effect and be in force from and after its passage and approval by the Governor.

When act takes effect.

Approved Mch 5th 1903

CHAPTER LXXXIV.

An act regulating the carying of fire arms by Indians while off of Indian Reservations.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Indian, off reservation, not to carry weapon.

Any Indian who while off of, or away from, any Indian Reservation carries or bears, or causes to be carried or borne by any member of any party with which he may travel or stop, any pistol, revolver, rifle or other fire arm, or any ammunition for any fire arm, shall be guilty of a misdemeanor. And such arms shall be seized, confiscated and sold by the officer making the arrest and the proceeds from such sale shall be disposed of as follows: when seized and sold by an officer of the Stock Association the proceeds shall be sent to the State Treasurer and by him placed to the credit of the Stock Inspector and Detective Fund; when seized and sold by a Game Warden the proceeds shall be placed to the credit of the Fish and Game Fund; and when seized and sold by any other peace officer the proceeds shall be turned over to the County Treasurer and placed to the credit of the General Fund in which county the arrest and seizure is made.

Misdemeanor.

Seizure and sale of weapon.

Disposal of proceeds of sale.

Game Warden.

Section 2.

Repealing clause.

All acts and parts of acts in conflict herewith are hereby repealed.

Section 3.

When act takes effect.

This act shall be in full force and effect from and after its passage.

Approved Mch 5th 1903

CHAPTER LXXXV.

An Act entitled "An Act relating to the granting of franchises by Cities and Towns, and providing a submission of the question of granting any franchise to the resident free-holders whose names shall appear on the City or County tax roll preceding such election."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Application for franchise to be submitted to tax payers of City or Town.

Section 1. No franchise for any purpose whatsoever shall be granted by any City or Town, or by the Mayor or City Council thereof, to any person or persons, association or corporation, without first submitting the application therefor to the resident free-holders whose names shall appear on the city or county tax roll preceding such election.

Notice of election.

Section 2. A notice of such election must be published at least in one daily newspaper, if there be one published in the City or Town, and if not, in some weekly newspaper of general circulation, at least once a week for three successive weeks, and such notice must be posted in three public places in the City or Town. The notice must state the time and place of holding the election, and the character of any such franchise applied for, and the valuable consideration if any there be to be derived by the City. At such election the ballots must contain the words, "For granting franchise," "Against granting franchise," and in voting, the elector must make a cross thus, "X," opposite the answer he intends to vote for.

Ballots.

Conduct of election Canvass of votes.

Such election must be conducted and canvassed, and the return made in the same manner as other City or Town elections.

Ordinance granting franchise.

Section 3. If the majority of votes cast at the election be "For granting franchise," the Mayor and City Council must thereupon grant the same by the passage and approval of a proper ordinance.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 5th 1903

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CHAPTER LXXXVI.

An Act Entitled, "An Act to Provide for the Appointment and Qualification of a Deputy Secretary of State, Deputy State Treasurer, Deputy State Auditor and Deputy Superintendent of Public Instruction."

Be it Enacted by the Legislative Assembly of the State of Montana:

Deputies of Secretary of State. State Treasurer. State Auditor. State Superintendent of Public Instruction.

Section 1. That the Secretary of State, State Treasurer, State Auditor, and the State Superintendent of Public Instruction, shall each appoint a deputy who in the absence of the principal, or in the case of vacancy in his office, shall perform all the duties of office until such disability be removed or vacancy be filled. Such deputy shall subscribe, take and file the oath of office provided by law for other State Officers before entering upon the performance of his duties. The principal shall be responsible under his Official Bond for all the Official Acts of his deputy and may revoke his appointment at his pleasure and may require the deputy to give him a bond in such sum as the principal may determine, which bond shall be made, executed, approved and filed as other State Bonds, provided, nothing herein contained shall be construed to authorize an increase of the number of employees in any office.

Powers of Deputy.

Oath.

Principal responsible for acts of Deputy.

Bond.

When act takes effect.

Section 2. This Act shall take effect and be in force from and after its passage.

Approved Mch 5th 1903

CHAPTER LXXXVII.

"An Act Enlarging the powers of the Board of Managers of the Montana Soldiers Home, admitting the wives of inmates who were married at the time the Home was established, to the privileges of the Home, according to such rules as the Board may prescribe,

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and appropriating money for the erection of a house for their accomodation."

Be it Enacted by the Legislative Assembly of the State of Montana:

Board of Managers of Soldiers Home to admit wives of soldiers.

Section 1. The Board of Managers of the Soldiers' Home is authorized and empowered to admit to the privileges of the Home, under such rules as the Board may prescribe, the wives of such soldiers who are, or who may hereafter become inmates of the Home, and who were married at the time the Home was established, and when practicable give them employment.

Rules.

Appropriation.

Section 2. There is hereby appropriated for the purpose of erecting a house for the accomodation of such wives and their husbands, the sum of Three Thousand ($3,000-00) Dollars, or so much thereof as may be necessary. There is hereby appropriated for the maintenance thereof the sum of One Thousand Dollars for the year 1903, and Two Thousand Dollars for the year 1904.

Repealing clause

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When act takes effect.

Section 4. This Act shall be in force from and after its passage and approval.

Approved Mch 5th 1903

CHAPTER LXXXVIII.

An Act to set apart one day in the Schools of Montana for the Study of Pioneer History, to be known as Pioneer Day.

Be it Enacted by the Legislative Assembly of the State of Montana:

Last Friday in May Pioneer Day.

Section 1. That the last Friday in May of each year shall hereafter be designated and known as Pioneer Day in the State of Montana.

Section 2. That on said Pioneer Day in the Public

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Pioneer Day in Public Schools.

Schools the afternoon thereof shall be devoted to the study and discussion of Pioneers and Pioneer history of the region of county [country] now comprising the State of Montana.

Pioneer Medal.

Section 3. That the State Board of Education is hereby authorized to annually award its Pioneer Medal to the Student of the Public Schools or State Institutions who shall on said day deliver the best essay on such subject of pioneer history, having regard to historical research and literary merit.

Essay.

Copy of Essays.

Section 4. That copies of such essays shall be lodged by the said State Board of Education with the Society of Montana Pioneers.

Exercises.

Section 5. The Superintendent of Public Instruction shall have power to prescribe from year to year a suitable course of exercises to be observed in the Public Schools of the State on Pioneer Day.

When act takes effect.

Section 6. This Act shall be in force and effect from and after its passage.

Approved Mch 5th 1903

CHAPTER LXXXIX.

"An Act to repeal parts of an Act entitled an Act relative to the powers and duties of Justices of the Peace and fixing their compensation in certain townships."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1 of Section 2 of Senate Bill 82, 7th Session, 1901, repealed.

Section I. That Section I and Section II of Senate Bill No. 82 of the Seventh Session Laws of the Legislative Assembly of 1901, be and the same is hereby repealed.

When act takes effect

Section II. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

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CHAPTER XC.

An Act entitled "An Act to amend Section two of an Act of the Sixth Legislative Session of Montana entitled "An Act to provide for an Assistant for the Register of the State Land Office; to fix the salary thereof and designate the fund from which he shall be paid," Approved February 24th, 1899.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 2 of Act of 6th Session, approved Feby. 24, 1899. amended.

Section 1. That Section two of an Act of the Sixth Legislative Session of Montana entitled, "An Act to provide for an Assistant for the Register of the State Land Office; to fix the salary thereof and designate the fund from which he shall be paid," Approved February 24th, 1899, be amended so as to read as follows:

Salary of Deputy Register State Land Office.

What funds paid out of.

Apportionment

Section 2. The salary of such Deputy shall be Eighteen hundred dollars ($1800.00) per annum, which shall be paid out of the funds derived from the sale and leasing of State Lands and which shall be apportioned among the several funds by the State Board of Land Commissioners.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

CHAPTER XCI.

An Act authorizing and directing the State Board of Land Commissioners of the State of Montana to invest all moneys in the State Normal School Bond Fund, and to purchase and redeem bonds outstanding against such fund.

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Be it Enacted by the Legislative Assembly of the State of Montana:

State Board of Land Commissioners to invest money in State Normal School Bond Fund.

Section 1. That the State Board of Land Commissioners of the State of Montana may, and they are hereby directed and authorized to invest any and all sums of money now in the State Normal School Bond Fund not necessary for the payment of interest on Bonds outstanding against said Fund, in such securities, at such rate of interest, for such time, and under such conditions as such Board may deem advisable.

Same.

Section 2. That said Board be, and it is hereby authorized and directed to use and apply any and all moneys in said Bond Fund as may be deemed advisable and not necessary for the payment of interest on Bonds outstanding against said Fund, to the purchase and redemption of all or any of such Bonds heretofore issued and now outstanding against said Fund, which can be purchased at a fair and satisfactory price, and before the period when said Bond shall become due and payable by operation of law, and to pay for said Bonds such premium, or sums, in addition to the par value of same as such Board may, in their discretion deem for the best interests of said Fund. Provided, that said Board shall at no time pay, or cause to be paid for said outstanding Bonds or any thereof, a sum larger than the par value thereof and the interest yet to accrue thereon in addition to the said par value.

Proviso

Warrant for payment.

Section 3. The State Auditor is hereby authorized and directed to draw his warrants on the said Bond Fund for the payment of any and all of said Bonds so purchased by reason thereof.

When act takes effect.

Section 4. This Act to take effect on and after its approval by the Governor.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Mch 5th 1903

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CHAPTER XCII.

An Act to amend Section 4044, Article I, Chapter XIII, Title X, Part III of the Political Code relating to suits for the collection of delinquent licenses.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 4044, Art. 1, Chap. 13, Title 10, Part 3, Political Code, amended.

That Section 4044, Article I, Chapter XIII, Title X, Part III of the Political Code be amended so as to read as follows:

Failure to take out license.

"Section 4044, Against any person required to take out a license who fails, neglects, or refuses to take out such license, or who carries on or attempts to carry on business without such license, the county treasurer, when directed to do so by the board of county commissioners, must direct suit in the name of the State of Montana as plaintiff to be brought for the recovery of the license tax; and in such case either the treasurer or the county attorney must make the necessary affidavit for the writ of attachment, and such writ of attachment, may issue without any bonds being given on behalf of the plaintiff; and in case of a recovery by the plaintiff, fifteen dollars damages must be added to the judgment and costs to be collected from the defendant.

Action to recover license.

Affidavit for attachment.

No bond required.

Damages.

Section 2.

When act takes effect.

This act shall be in force and effect from and after its passage.

Approved Mch 5th 1903

CHAPTER XCIII.

"An Act Relating to actions against Cities and Towns for Damages to Persons injured on Streets and Other Public Grounds, by reason of the negligence of any public Officer, Agent or Employe of any city or town of Montana."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Notice of injury to be given Council.

Before any city or town in this state shall be liable for damages for, or on account of, any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, culvert, park, public ground, ferry boat, or public works of any kind in said city or town, the person so alleged to be injured, or some one in his behalf, shall give to the city or town council, or trustee, or other governing body of such city or town, within sixty days after the alleged injury, notice thereof; "Said notice to contain the time when and the place where said injury is alleged to have occurred."

Notice, what to contain.

Section 2.

Repealing clause.

All acts and parts of acts in conflict herewith are hereby repealed.

Section 3.

When act takes effect.

This act shall take effect and be in force from and after the date of its passage and approval.

Approved Mch 5th 1903

CHAPTER XCIV.

"An Act to amend Section 1124 of the Penal Code of the State of Montana, and Sections 3070, 3071, 3072 and 3073 of the Political Code of the State of Montana relating to Bounties of Wild Animals.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1124, Penal Code, amended.

Section 1. That Section 1124 of the Penal Code be and the same is hereby amended so as to read as follows:

Penalty for violation of Section 3070 of Penal Code.

Section 1124. Every person who violates any of the provisions of Section 3070, of the Penal Code, relating to bounties for killing wild animals, is guilty of a mis-

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demeanor, and is punishable by a fine not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Section 2. That Section 3070 of the Political Code be and the same is hereby amended so as to read as follows:

Section 3070, Political Code, amended.

Section 3070. That there shall be paid out of the fund in this Act hereafter created for the killing of the following named animals, hereafter killed in the State of Montana, the following bounties: for each grown wolf, five dollars; for each coyote three dollars; for each wolf pup, three dollars; for each coyote pup, three dollars; for each bear or mountain lion, seven dollars.

Bounties.
Grown Wolf.
Coyote.
Wolf Pup.
Coyote Pup.
Bear.
Mountain Lion.

Section 3. That Section 3071 be and the same is hereby amended so as to read as follows:

Section 3071, Penal Code, amended.

Section 3071. Any person killing any of the aforesaid animals to obtain bounty thereon, shall, within sixty days of the date of the killing, exhibit the skin or skins of the said animal or animals, including the tail and the skin from the entire head, including the ears thereof, and including the upper and the skin of the lower jaws, together with the lips of the animal attached to the skin, to a Bounty Inspector of the County in which the animal or animals were killed; and shall at the same time file with the Bounty Inspector, as hereinafter provided, an affidavit setting forth that he killed the animal or animals from which the skin or skins were taken; that the same was killed within the bounds of the county and nearer to or if more than one hide is presented, that the greater number were killed nearer to the residence of the said Bounty Inspector to which the same was presented, than to any other Bounty Inspector in said County, and every Bounty Inspector appointed under the provisions of this Act shall be empowered to administer oaths to any and all persons making any affidavit as aforesaid.

Bounty, how obtained.
Bounty Inspector.
Affidavit.
Power of Bounty Inspector.
Oath.

Section 4. That Section 3072 of the Political Code

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Section 3072, Political Code, amended.

be and the same is hereby amended so as to read as follows:

Judge District Court to appoint 3 Stock Growers

Section 3072. It shall be the duty of the Judge of the District Court presiding over any of the counties within the State to forthwith appoint three representative stock growers, whose duty it shall be to appoint, not exceeding ten Bounty Inspectors within any of the counties of the State, whose duties shall be to receive and carefully examine all skins or pelts presented for bounty within their respective localities; the said Bounty Inspector shall serve without compensation, and each shall take the oath of office provided in case of county officers, said oath to be filed with the County Clerk of the county wherein he shall be appointed; each Bounty Inspector shall in order to prevent fraud, minutely examine each skin presented, and should such examination disclose that the scalp and ears, with the skins from the entire head of such animal or animals, and the upper and skin of the lower jaws together with the lips attached thereto, has not been severed, punched, patched or in any manner marked, he shall there in the presence of the person presenting such skin, mark each skin by severing the skin of the lower jaws together with the lips, and then re-deliver the skin or skins to the person presenting the same and shall require the affidavit of one resident stock grower residing in the vicinity in which said animal or animals were killed, setting forth that he is a resident stock grower and tax-payer on live stock in said county, giving his postoffice address and stating that he is personally acquainted with the person presenting the skin or skins, and to his own knowledge, information and belief, said person did kill the animals from which the skin or skins were taken, within sixty days preceding the offering of such skins for bounty in the locality, and within the county where said Bounty Inspector resides and at the same time make out and deliver to said person, a certificate addressed to the County Clerk

Duty of Stock Growers appointed.

Duty of Bounty Inspectors.

No compensation.

Oath.

Examine and mark skin.

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of his county, showing the date, number and kind of skins so marked by such severing, and the name of the person presenting the fact of the filing of the affidavit herein provided for, and the examination made as required; and said certificate shall be duly signed by him in his official capacity, Provided, that when any doubt shall exist as to the kind of skin or skins presented, whether wolf or coyote, the certificate shall be issued for the lesser bounty, and each Bounty Inspector shall keep a record in a bound book, of all the skins so marked and severed, showing the date, number and kinds, the names of the persons presenting the same, which book shall be a book of official record; and the Bounty Inspector shall immediately destroy by fire, the pieces of skin or skins so severed by him. The Bounty Inspector, shall, at the close of each month, render to the County Clerk and Recorder of the county in which he resides, a report setting forth the names of the persons presenting the skins, the kind and number of the skins so presented, as to each and every certificate which he has issued during the month preceding his report. The County Clerk shall upon the receipt of each said certificate, make out and deliver to the person named in said certificate, a second certificate, showing the number and kind of skins so marked by such severing, the name of the person presenting such Bounty Inspector's certificate, and said County Clerk shall keep a record in a bound book of all certificates so received and issued, showing the date, a description of the number and kind of hides and the name of the person presenting the same which book shall be an official record.

Record.

Report.

Certificate.

Section 5. That Section 3073 of the Political Code be and the same is hereby amended so as to read as follows:

Section 3073, Political Code, amended.

Section 3073. Should any Clerk or Bounty Inspector have reason to believe that any person presenting the skin or skins as above provided, has evaded the provisions of this Act to obtain the bounty unlawfully, he

Attempted evasion of Act.

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shall require satisfactory evidence of the time, place and manner of the killing of said animal or animals.

Section 3076, Political Code, amended.

Section 6. That Section 3076 of the Political Code be and the same is hereby amended so as to read as follows:.

County Commissioners to levy special tax.

Section 3076. It shall be the duty of the Board of County Commissioners, of each County in this State at the time of the levy of the annual tax, to levy a special tax of three and one-half mills on the dollar, upon the assessed valuation of all cattle, horses, mules, asses, sheep and goats in their respective counties, which tax shall be collected as other taxes on live property, and when so collected shall be paid into the State Bounty Fund aforesaid, which said fund shall be preserved inviolate for the payment of bounties herein above provided for. Any County Commissioner who shall refuse to interfere to prevent the levy of the taxes aforesaid, shall be deemed guilty of a misdemeanor.

State Bounty Fund.

Penalty.

When act takes effect.

Section 7. This Act shall take effect and be in force from and after its passage and approval.

Approved Mch 6, 1903

CHAPTER XCV.

An Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant Certificates to Practice Medicine and Surgery by the State Board of Medical Examiners.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 603, Political Code, amended.

Section 1. That Section 603 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:—

Board may refuse to grant Certificate.

Section 603. The Board may refuse to grant a certificate for unprofessional, dishonorable or immoral conduct. Before a certificate can be refused for such

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cause, the Board must serve in writing upon the applicant a copy of any charge or charges against him, and appoint a day for hearing, at which the applicant or any witness in his behalf may appear and give testimony in refutation of such charges. In case the Board, after such hearing refuse a certificate to the applicant, the decision specifically stating the ground upon which such refusal was made must be reduced to writing and a copy thereof delivered to the applicant, upon demand of the applicant. Upon a like hearing the Board may refuse a certificate to any one who may publicly profess to cure or treat disease, injury or deformity in such a manner as to deceive the public. The hearing provided for herein must take place within twenty days after the service of the copy of the charges upon the applicant, unless delayed by, or further time is granted to the applicant, and the decision of the Board must not be later than ten days after the day of hearing. If the decision is not rendered within said period of ten days, the applicant is not subject to any penalties for practicing without a certificate during the time that elapses before the decision is made.

Copy of charges to be served.

Hearing.

Decision.

Deceit in professing to cure.

Decision to be rendered in ten days.

Effect of delay in rendering decision.

The Board, with the concurrence of four members thereof, may revoke a certificate for unprofessional, dishonorable or immoral conduct. Before such revocation can take place, a written complaint specifically stating the charges against the person whose certificate is sought to be revoked must be delivered to the Board and a copy thereof be served upon such person twenty days before the time fixed by the Board for the hearing of such charges. The Board must fix the time and place for the hearing, at which the person charged may appear and produce testimony in refutation of such charges. If, after such hearing, the Board revoke the certificate of such person, the ground upon which such revocation is made must be specifically stated by the Board in writing and a copy thereof delivered, on demand, to the person whose certificate is revoked. In

Revocation of Certificate.

Complaint.

Service of copy.

Hearing.

Decision.

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all cases of the refusal or revocation of a certificate to practice medicine by said Board, the person aggrieved thereby may appeal from the decision of the Board to the District Court of the County in which such revocation or refusal was made.

Appeal.

The appeal is taken by the appellant serving notice of appeal upon any officer of the Board within thirty days after receiving from the Board a copy of the decision, and filing within the same time with the Clerk of the proper district court a verified copy of the decision appealed from, together with a verified copy of any charges furnished by the Board to the appellant. Said

Trial of appeal.

appeal shall be tried by jury of six physicians—not less than two of whom shall be of the same school of medicine as the appellant—and in case such jury cannot be obtained in the County where the case is tried, the Judge of such Court shall order subpoenas for physicians of an adjoining County, which shall be served by the Sheriff of such adjoining County after the Clerk of the Court where the subpoena is issued shall have sent by registered mail such subpoena to such Sheriff.

Challenges.

The appellant and the Medical Board shall have the right to peremptorily challenge not more than two of such jurors, and the Attorney General shall Act as the

Attorney General to act as attorney for Board.

Attorney for said Board. The appellant shall be required

Bond on appeal.

at the time of the filing said appeal to give a bond in the sum of Three Hundred Dollars, with two good and sufficient sureties to be approved by the Clerk of the District Court wherein said appeal is taken for the prosecution of such appeal and for the payment of all costs of such appeal should the case be decided against the appellant. In all other matters such appeals shall be tried as are appeals from Justice Courts.

Repealing clause

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Mch. 6. 1903

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CHAPTER XCVI.

An Act Entitled—: An Act providing for the establishment of a Montana State Fair, for the appointment of a Board of Directors, Executive Committee, and other officers for the conduct and management thereof, and appropriating money therefor.

Be it Enacted by the Legislative Assembly of the State of Montana:

Montana State Fair.

Section 1. That for the promotion of the public welfare there shall be and is hereby established a State Institution, to be designated and known as the "Montana State Fair."

Objects and purposes.

Section 2. The objects and purposes of said institution shall be to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock grazing, horticulture, mining, mechanical, artistic and industrial pursuits in the State of Montana; and in furtherance of such purposes the management shall provide for an annual fair or exposition, under the auspices of the aforesaid institution, of all said enumerated products, commencing on such day between the fifteenth day of August and the fifteenth day of October, 1903, as the management may designate, and continuing for such period, not exceeding twenty days, as may be deemed advisable, and thereafter between the dates named and for not to exceed the period aforesaid every year such fair or exhibit shall be held.

Time of holding.

Management and control.

Section 3. The Montana State Fair shall be under the management and control of a Board of Directors, consisting of one resident citizen of each County in the State, and within ninety days after the passage of this Act, the respective Boards of County Commissioners of each County shall appoint one member of the Board of Directors of the State Fair, and said Directors shall hold their offices for the period of six years, except as hereinafter provided.

Term of office.

Section 4. On the call of the Governor, the said

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Governor to call meeting of Board of Directors.

President. Secretary. Treasurer.

Rules.

Executive Committee.

Directors shall meet within thirty days after their appointment, and at such meeting shall organize by electing a President, A Secretary, a Treasurer and such other officers as they may deem necessary. They may adopt such rules and regulations not inconsistent with law, as in their judgment may be calculated to contribute to the advancement of the purposes in this Act indicated. At such meeting they shall select an executive committee, not exceeding five in number, to which executive committee shall be entrusted the active management of the institution, subject to the law and such general rules and regulations not inconsistent therewith, as the Board of Directors may promulgate. Thereafter the Board of Directors shall meet only during the period of the Fair of Exhibition, and between such meetings the business of the institution shall be conducted by the Executive Committee, with the assistance of the Secretary and Treasurer. The Executive Committee may be selected in whole or in part from persons other than members of the Board of Directors.

3 Classes of Directors.

At the first meeting of the Board of Directors, all the directors shall be by lot divided as nearly as may be into three classes. Class one shall hold office for six years; Class two for four years; and class three for two years: and when a new county is created, the member therefrom shall be appointed for such term as may harmonize with the reappointment of one-third of the Board of Directors every two years.

Oath.

Section 5. That before entering upon the duties of their offices the members of such Board of Directors and of the Executive Committee shall each take and subscribe the oath prescribed by law for other State officers, and shall cause the same, with the order of their appointment, to be filed with the Secretary of State.

Bond.

Section 6. That the Treasurer and all persons authorized by said Board or Executive Committee to receive or disburse money; shall be required to give a

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good and sufficient bond in such form and amount as the State Treasurer may prescribe, and failure to exact such bond shall make the members of the Board and of the Executive Committee jointly and severally liable for any loss to the institution by, through or on account of such failure. Any Director may be removed by the Governor for malfeasance in office, and any member of the Executive Committee may be removed by the majority of the Directors at their pleasure.

Removal.

Section 7. Immediately upon their meeting and organization, the State Fair Directors shall take and have full control and management of the State Fair as a State Institution, and shall have care of the property and be entrusted with the entire direction of the business and financial affairs; and shall in conformity with the provisions of this Act, prepare, adopt, publish and enforce all necessary rules for the management of the State Fair, its meetings and exhibitions, or the guidance of its officers or employees, and shall determine the duties, responsibilities, compensation and tenure of office, of all officers or other employees, and may remove from office any person appointed by them to any office for inefficiency, neglect of duty or malfeasance in office; and shall have power to appoint all necessary marshals to keep order on the grounds and in the buildings of the State Fair, during all exhibitions, and the marshal or marshals so appointed shall be vested with the same authority for such purposes, as executive officers are vested by law. The Directors shall have power to charge entrance fees, gate money, lease stalls, stands, restaurant sites, give prizes and premiums and do all things which by said Directors may be considered proper to conduct in connection with the State Fair, not otherwise prohibited by law; Provided, however, that neither the Montana State Fair nor its Board of Directors, nor its Executive Committee shall ever incur any debt to be paid by the State of Montana.

Powers and duties of State Fair Directors.

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Location

Section 8. The Directors shall locate the State Fair upon a tract of land, not less than eighty acres in extent, to be approved by them, within three and one-half miles of the corporate limits of Helena; Provided such tract of land is donated to the State free from incumbrance, and conveyed to it by good and sufficient conveyance to be approved by the Governor; and provided further, that such Fair and Fair Grounds shall at all times be maintained by the State. The land thus acquired shall be forever set apart for the use and benefit of the Montana State Fair, and the Directors shall, from time to time, cause such improvements to be made thereon, as may be necessary or desirable to improve the same, provided always, that no lein [lien] or obligation shall ever be created on or against said land and possessions without the consent of the State, nor shall any director or member of the Executive Committee be directly or indirectly interested in any contract or purchase for the use or benefit of the institution.

Improvements.

Secretary and Treasurer.

Section 9. The Secretary and Treasurer of the Montana State Fair may be elected from the Board of Directors, or persons not members of said Board may be selected for either of said positions, providing that the Secretary shall reside and maintain an office at the City of Helena. The Secretary may be paid such salary not exceeding six hundred Dollars per annum as the Directors may designate, and he shall perform such duties as said Directors or Executive Committee may prescribe. He shall keep an accurate account of all receipts and expenditures of the institution, and shall file a statement thereof in the office of the State Treasurer during the month of December of each year, which statement shall show in detail all receipts and expenditures since the filing of the previous statement, and be attested by the treasurer of such institution. The Treasurer of the institution shall keep an accurate account of all monies received and dis-

Secretary to reside and have office at Helena.

Salary of Secretary.

Duties of Secretary.

Statement.

Treasurer to keep accounts.

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bursed by him, and within thirty days after the receipt of money he shall deposit the same in the office of the State Treasurer, together with a statement of the source from whence received; provided that during a meeting of the Fair the Treasurer may make disbursement from current receipts under and subject to such regulations as the Directors may prescribe, but in all cases vouchers for money paid out shall be filed with the State Treasurer.

Proviso.

Vouchers.

Section 10. The State Treasurer shall keep all moneys appropriated for, or by him received from the Montana State Fair in a separate fund to be designate the "State Fair Fund", and he shall pay out the same under such rules, and regulations as the Board of Directors or the Executive Committee of the Fair may prescribe.

State Fair Fund

Section 11. All vacancies in the Board of Directors shall be filled by the Board of County Commissioners of the County whose membership of said Board may be vacant.

Vacancies.

Section 12. The Directors and members of the Executive Committee shall serve without compensation, but they shall be allowed their actual and necessary expenses going to and returning from, and attending the meetings provided for in this Act.

No compensation.

Expenses allowed.

Section 13. The Treasurer may be paid not to exceed Two Hundred Dollars per annum for his services, provided that the offices of Secretary and Treasurer may be consolidated, and the holder thereof be required to perform all duties pertaining to both said offices under this Act, at such salary not exceeding Eight Hundred Dollars per year, as the Directors may allow.

Salary of Treasurer.

Consolidation of offices.

Salary.

Section 14. There is hereby appropriated out of any moneys in the hands of the State Treasurer, not otherwise appropriated, the sum of Ten Thousand Dollars to carry out the intents and purposes of this Act, which said money shall be placed to the credit of the

Appropriation.

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"State Fair Fund", Five Thousand Dollars for the year 1903, and Five Thousand Dollars for the year 1904, by the State Treasurer, and be by him held and paid out under and in accordance with the provisions of this Act.

Repealing clause.

Section 15. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 16. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 6. 1903

CHAPTER XCVII.

An Act to amend Sections 4 and 8 of "An Act to provide for the Licensing of Insurance Companies, Associations and Societies, doing business in the State of Montana," Approved March 4, 1897.

Be it Enacted by the Legislative Assembly of the State of Montana:

Sections 4 and 8 of Act approved Mar. 4, 1897 amended.

That Section 4 and 8 of "An Act to provide for the Licensing of Insurance Companies, Associations and Societies, doing business in the State of Montana," approved March 4, 1897, be, and the same are hereby amended so as to read as follows:

Expiration of licenses.

Section 4. All Licenses issued under this Act shall expire on the 31st day of December of each year.

Insurance Companies to procure certificate.

Section 8. Before transacting any fire, life or other indemnity or insurance business, each and every agent, firm or corporation acting as agent, solicitor or representative of such corporations or associations, shall procure annually from the State Auditor a certificate of authority or license as an agent, solicitor or representative of each corporation or association represented by him or them, and which certificate shall terminate or expire on the 31st (thirty-first) day of March of each year unless sooner revoked or terminated as otherwise provided, for which a fee of Five Dollars for each certificate shall be paid to the State Auditor,

Expiration of certificate.

Fee.

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provided, that the State Auditor is hereby prohibited from issuing a certificate of authority to write policies of insurance, or to solicit and obtain and transact insurance business, as defined in this Act, to any person, agent, firm or corporation, unless such person, agent, firm or corporation is a legal resident of the State of Montana, at the time such certificate of authority is issued. Proviso.

Any person or persons who shall in any way violate the provisions of this Section, shall upon conviction be fined not less than Fifty Dollars nor more than One Hundred Dollars, or imprisoned in the County Jail for not less than thirty days nor more than ninety days, or both such fine and imprisonment at the discretion of the court. Penalty.

Approved Mch 6, 1903

CHAPTER XCVIII.

An Act entitled "An Act to amend Sections 582, 583, 584, 585, 586, and 589 of Article XV, Chapter III, Title I, Part III, of the Political Code, Relating to Inspector of Mines.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 582 of the Political Code be amended so as to read as follows:— Section 582, Political Code, amended.

Section 582. It is the duty of the Inspector of Mines by himself or deputy to visit every mine in the State, once every year and inspect its workings, timbering, ventilation, means of ingress and egress, and the means adopted and in use for the preservation of the lives and safety of the miners employed therein. For this purpose the Inspector and his deputy at all times shall have access to any mine and all parts thereof. All mine owners, lessees, operators or superintendents, must render such assistance as may be Duty of Inspector of Mines. Access to mines.

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necessary to enable the Inspector or his deputy to make the examination.

Notice of unsafe condition of mine.

When upon such inspection any mine or portion thereof is found to be in an unsafe condition, the Inspector shall at once serve a notice in writing upon the owner, lessor, lessee, agent, manager or superintendent thereof, setting forth the nature of the defects which render such mine unsafe and the point or place in such mine where such defects exist, and requiring the repairs necessary to remedy such defects to be made within a specified time, and, if in his judgment the circumstances so require, he shall forbid the

May forbid operation of mine.

operation of such mine or portion thereof as has been declared unsafe, save and except for the purpose of making the repairs necessary for the purpose of remedying such defects and making such mine safe for the laborers employed therein.

Section 583, Political Code, amended.

Section 2. That section 583 of the Political Code be amended so as to read as follows:—

Duty of Inspector when complaint is made.

Section 583. Whenever the Inspector of Mines receives a complaint in writing signed by one or more parties setting forth that the mine in which he or they are working is dangerous in any respect, he or the deputy inspector must in person visit and examine such mine. Every complaint must set forth the nature of the danger existing at the mine and the time the cause of such danger was first observed.

Section 584, Political Code, amended.

Section 3. That Section 584 of the Political Code be amended so as to read as follows:—

Duty of Inspector.

Section 584. After such complaint has been received by the Inspector of Mines, he must, as soon as possible, visit such mine; and if from such examination he ascertains that the mine is from any cause in

Notice.

a dangerous condition, he must at once notify the owner, lessor or agent thereof, such notice to be in writing, and to be served by copy on such owner, lessor, lessee, or agent, in the same manner as provided by law for the serving of legal process, and the

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notice must state fully and in detail in what particular manner such mine is dangerous or insecure, and requires all necessary changes to be made without delay, for the purpose of making such mine safe for the laborers employed therein; and in any criminal or civil procedure at law against the party or parties so notified, on account of loss of life or bodily injury sustained by an employee subsequent to such notice and in consequence of a neglect to obey the inspectors' requirements, a certified copy of the notice served by the Inspector is prima facie evidence of the gross negligence of the party or parties so complained of. If the owner, lessor, lessee, or agent of any such mine shall neglect or refuse to obey or comply with the instructions of the Inspector as contained in such notice, or shall neglect or refuse to cause the repairs necessary to remedy such defects to be made within a reasonable time, or shall refuse to cause work to be stopped when so ordered, such party or parties so refusing may be prosecuted criminally by the Inspector.

Notice as evidence.

Section 4. That Section 585 of the Political Code be amended so as to read as follows:—

Section 585, Political Code, amended.

Section 585. It is the duty of the Inspector of Mines, at least once in each year, either in person or by deputy inspector, to visit each mining county in the State and examine as many of the mines in the different counties as practicable, and make such recommendations as in his judgment are necessary to insure the safety of the workmen employed therein; and whenever from his examination, he finds any mine to be in an unsafe condition, he shall at once serve a notice upon the owner, lessor, lessee, or agent fails to comply with such notice, he may prosecute them or any of them as provided in the next preceding section.

Duty of Inspector.

Notice.

Section 5. That Section 586 of the Political Code be amended so as to read as follows:—

Section 586, Political Code, amended.

Section 586. Whenever a serious or fatal accident

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Inspector to be notified of accidents.

occurs in any mine it is the duty of the person in charge thereof to immediately notify the Inspector of Mines or the Deputy Inspector, and upon receiving such notice the Inspector in person or the Deputy Inspector must at once repair to the place of accident, and investigate fully the cause of such accident, and whenever possible to do so, the Inspector or Deputy Inspector shall be present at the Coroner's inquest held over the remains of the person or persons killed by such accident, and testify as to the cause thereof, and state whether, in his opinion, the accident was due to the negligence or mismanagement of the owner or person in charge.

Duty of Inspector.

Inquest.

Written statements of Witnesses.

If the Inspector or Deputy Inspector can not be immediately present in case of a fatal or serious accident occurring, it is the duty of the owner or person in charge of the mine to have written statements made by those witnessing the same, and duly sworn to. In case no person was present at the time of the accident, then the verified statement of those first present after the accident must be taken, and such statement must be given to the Inspector or the Deputy Inspector.

Prosecution.

If after making such investigation the Inspector deems the facts warrant it, he may prosecute criminally the owner, lessor, lessee, or agent of the mine in which such accident occurred.

Section 589. Political Code, amended.

Section 6. That Section 589 of the Political Code be amended, so as to read as follows:—

Limitation of Act.

Section 589. The provisions of the Article do not apply to Mines in which less than five men are employed. But all owners, lessors, lessees, agents, or managers operating any metalliferous mine in this state in which five or more men are employed, shall report the same to the Inspector of Mines, state the name of the mine, the location of the same, the name of the company, person or persons owning or operating the same, post office address and number of men employed.

Proviso.

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Repealing clause.

Section 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When act takes effect.

Section 8. This Act shall take effect and be in force from and after its passage and approval.

Approved Mch 6, 1903

CHAPTER XCIX.

An Act to amend Section 5117 Part IV, Title III, Chapter VIII, Article II, of the Political Code of the State of Montana, relating to the duties and authority of the trustee of townsites.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 5117, Part 4, Title 3, Chap. 8, Art. 2, Political Code amended.

That Section 5117 Part IV, Title III, Chapter VIII, Article II, of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:—

Powers and duties of Trustees of Townsites.

Section 5117. If there be any unoccupied or vacant unclaimed lands within the limits of such city or townsite, the judge must cause the same to be laid out and surveyed into suitable blocks and lots, and must reserve such portions as may be deemed necessary for public squares, churches, school house lots, parks and levees, and cause all necessary roads, streets, lanes and alleys to be laid out through the same and dedicated to public use; and the judge may sell the same in suitable parcels to possessors of adjoining lands or to other persons of said town at a price not less than ten dollars per lot; and in case two or more claimants apply for the same tract, or parcel of the same tract, he must sell the same by auction to the highest bidder. If any such lands remain unsold at the end of six months after the filing of the town plat, "the same shall thereafter be open to private entry at the mini-

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mum price and the judge" shall give deeds therefor to the several purchasers.

Section 2.

When act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 6, 1903

CHAPTER C.

An Act to Amend An Act approved March 4, 1897, entitled "An Act to Amend Sections 490 and 506 inclusive, being all of Article 11, Chapter 3, Title 1, Part 3, Political Code of Montana, Providing for the Appointment of a State Examiner and Defining his Duties and Powers."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1 of Act to amend sections 490 to 506 inclusive, being all of Art. 2, Chap. 3, Title 1, Part 3, Political Code, approved Mar. 4, 1897, amended.

Section 1. That Section 1 of an Act to amend Sections 490 and 506, inclusive, being all of Article 11, Chapter 3, Title 1, Part 3, Political Code of Montana, providing for the appointment of a State Examiner and defining his duties and powers, approved March 4, 1897, be and the same is hereby amended to read as follows:

Section 2, Chap 2, Title 1, Part 3, Political Code, amended and numbered.

"Section 1. That Article 11, of Chapter 3, Title 1, Part 3, Political Code, be and the same is hereby amended to read and shall be numbered as follows:

Appointment of State Examiner

Section 490. There shall be a State Examiner who shall be appointed by the Governor and confirmed by the Senate, and shall hold his office for the term of four years and keep his office at the Capitol.

Term and place of office.

Duties of State Examiner and Assistant.

"Section 491. The duties of State Examiner and his Assistant are: "1. To examine at least once every year the books and accounts of the State Treasurer, State Auditor, Secretary of State, Clerk of the Supreme Court, State Boiler Inspector, State Game Warden, Register of the State Land Offices, and any

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other State officer having the collection or handling of State money, County Treasurers, County Clerks, County Assessors, District Court Clerks, County Auditors, Sheriffs, Public Administrators, Boards of County Commissioners of each County, and all other officers and boards whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public moneys of any character or description.

"2. To prescribe the general methods and details of accounting for the receipt and disbursement of all monies belonging to the State or Counties and to require of all officers an adherence to such general method and details as are required. by law or prescribed by the State Examiner. Same.

"3. To visit each and every office of the Officers and institutions named in this Act at least once in every year; and at such times to examine the books accounts and vouchers in said offices, to verify statements of receipts, expenditures and indebtedness, and to examine and pass upon the character and amounts of any commissions, percentage, or charges for services, exacted by any officer, and of all claims allowed by Board of County Commissioners. Same.

"4. To visit once each year or oftener, without previous notice, each of the banks, banking corprations and saving banks, building and loan associations, investment and loan companies, incorporated under the laws of this State, or doing business under any law of the State concerning corporations, and to examine into their affairs and ascertain their financial condition; to inspect and verify the value and the amount of their sureties and assets, and to inquire into any violations of laws governing such banks, institutions and building and loan association. Same.

"5. The State Examiner after the examination of the affairs of any State officer, board or institution or Board of County Commissioners must make report to Same.

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the Governor and to the Attorney General, the result of such examinations within thirty days thereafter and if any violation of law or non-performance of duty is found on the part of any such officer or board, they must be proceeded against by the Attorney General or County-Attorney as provided by law.

Same.

"6. The State Examiner, or his Assistant, after the examination of the affairs of any County officers must make report of such examinations to the County Commissioners and to the County Attorney of such County, within thirty days after such examinations, and if any violation of law or non-performance of duty is found on the part of any County Officer or Board such Officer or Board must be proceeded against by the County Attorney of the County as provided by law.

Same.

"7. The State Examiner must make an annual report to the Governor immediately after the end of each fiscal year."

Officers of State and County and Banks to facilitate examination.

Section 492. All officers of the State and Counties and all officers and employees of all banking and other institutions mentioned in this Act, must afford all reasonable facilities for the investigation provided for in this Act, and all such officers, managers, and Employees must make return and exhibits to the State Examiner under oath, in such form and in such manner as he may prescribe, not conflicting with the present form of County records; every officer or person violating the provisions of this section is guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months or by fine not exceeding five hundred dollars, or both.

Penalty.

Powers.

"Section 493. The State Examiner, or his Assistant, has power to examine any books, papers, accounts and documents in the office or possession of any County or State Officer, or banking or other institution referred to in this Act, and to send for persons or papers and to examine under oath any and all persons concerning the same.

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Failure of County Officers to comply with provisions of Act.

Section 494. If any County Clerk or County Treasurer shall fail to make and transmit to the State Examiner's office any copy of any quarterly report required by the State Examiner of County Officers within reasonable time after the end of quarter, or any annual financial statement of the County within forty days after end of fiscal year, then said officer so required to furnish such report or copy, shall forfeit to the County one hundred dollars ($100.00) to be deducted from his salary by the Board of County Commissioners of such County on notice of such failure from the State Examiner.

Penalty.

Salary.

Section 495. The Salary of the State Examiner for all services rendered in any capacity whatever shall be twenty-five hundred dollars ($2500.00) per year, and in addition thereto the State shall pay his necessary office and traveling expenses, not exceeding fifteen hundred dollars per annum, out of funds not otherwise appropriated, upon vouchers approved by the State Board of Examiners.

Expenses.

Assistant.

Salary.

Section 496. The State Examiner shall be allowed one Assistant Examiner in his office at a salary of fifteen hundred dollars ($1500.00) per year.

State Examiners Fund.

Section 497. That for the purpose of the just distribution of the expenses incurred in pursuance of this title, there is created a fund that shall be known as the "State Examiner's Fund," Each County of the State according to its classification shall pay to the State Treasurer on or before the first day of July in each year, the following sum, to-wit:

Contribution of Counties.

Counties of the first and second class, $250.00 each.
Counties of the third and fourth class, $200.00 each.
Counties of the fifth class, $150.00 each.
Counties of the sixth class, $125.00 each.
Counties of the seventh class, $75.00 each.

Counties hereafter created.

Any counties hereafter created are to be deemed counties of the seventh class until an assessment of such county has been made and the class thereof deter-

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mined, and for the maintenance of this fund for the year 1903, if there is no subsequent legislation hereon, each County shall pay on its present classification, and thereafter on the classification as made by law; and each bank, banking corporation, saving bank, investment and loan company, incorporated under the laws of this State shall pay into the State Treasury on or before the first day of November of each year a fee according to its capitalization and the following rate: Capital stock from $20,000 to $50,000 inclusive, fee $50.00. Capital stock over $50,000 up to $75,000 inclusive, fee $75.00 Capital stock over $75,000 up to $100,000 or more, fee $100.00. And each building and loan association subject to examination by the State Examiner shall pay to the State Treasurer on or before the first day of November of each year a fee of one-twentieth of one per cent. of its assets as shown by its last annual statement, provided that no examination fee shall be less than twenty nor more than fifty dollars for a domestic association, nor more than two hundred dollars for a foreign corporation. Any excess of the expenses of such examination incurred in pursuance of this title, over and above the fee herein provided for shall be paid by the State from any money in the "General Fund" not otherwise appropriated.

Contribution of Banks, &c.

Banks, &c. failing to contribute.

Section 498. Any banks, banking corporation, saving bank, building and loan association, investment and loan company, incorporated under the laws of this State or doing business under any law of this State concerning corporations, that shall fail or neglect to pay the State Treasury within ten days after the first day of November each year the sum due as specified in the section next preceding shall forfeit to the State, ten dollars ($10.00) for every day it shall so fail or neglect, to be sued for and recovered in the name of the State by the County Attorney of the County in which the business of such banking association or corporation shall be located, and when so recovered.

Penalty.

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the amount shall be paid into the treasury of such county for the use of the common schools therein.

Bond.

Section 499. The State Examiner, and his Assistant each must execute an official bond in the sum of ten thousand dollars, before entering upon the duties of his office, said bond to be approved by the Governor and filed with the Secretary of State.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved Mch 6th 1903

CHAPTER CI.

An Act to Amend Section 955 of Chapter III, Title VIII, Part IV, Division I Of The Civil Code Of Montana, Relating To Live Stock Killed Or Injured, And To Add To Said Chapter A Section To Be Known As Section 955 a.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 955, Chap. 3, Title 8, Part 4, Division 1, Civil Code, amended.

Section 1. That Section 955 of Chapter III, Title VIII, Part IV, Division I of the Civil Code of Montana, be, and it is hereby amended so as to read as follows:

Killing of live stock.

Section 955. In case any corporation, association, or company, person or persons shall comply with the provisions of Section 953, of this Chapter, it shall be the duty of the owner or owners of any animal or animals, killed or injured as aforesaid, or his agent, or their agent, within thirty days after information shall have reached him or them of the killing or injury of such animal or animals, to make affidavit of such ownership and the market value of the animal or animals, so killed, or the amount of damages occasioned by such injury, and deliver the same to the

Affidavit.

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person in charge of the said book or station, so designated, and thereupon the said corporation, association, company, person or persons, shall have fifty days within which to pay the amount claimed, and no action shall be instituted for the recovery of the value of or damages to such animals or animal until the expiration of said time. And whenever any of the live stock referred to in this Chapter shall be injured or killed, as therein recited, and the owner or owners thereof, shall thereafter institute an action for the recovery of the loss or damage so sustained by him, or them, the Court in which such action shall be brought shall, if the plaintiff in such action recover a judgment against the defendant therein, tax, as part of the costs therein, a reasonable sum to be fixed by the Court as a fee to the plaintiff's attorney for conducting said action, which said fee, so fixed and allowed, shall be paid by or collected from the defendant in such action in like manner as other costs; provided that no such fee shall be allowed by the Court or collected from the defendant when it shall appear from the pleadings or proof, in any such action, that the defendant, prior to the institution of such action, offered or agreed to pay to the plaintiff therein, in settlement of the loss or damages claimed a sum equal to or in excess of the amount, recovered as damages in said action.

Action.

Attorney's fee as cost.

Chap. 3, Title 8, Part 4, Division 1, Civil Code, amended.

Section 2. That Chapter III, Title VIII, Part IV, Division I of the Civil Code of Montana, be, and it is hereby amended by adding thereto a section to be known as Section 955 A, which shall read as follows:

Duty of Railroad Company to construct and maintain ditches and drains.

Section 955A. It shall be the duty of every corporation, company, or person owning or operating any railroad, or branch thereof, in this State, and of any corporation, company, or person constructing any railroad in this State, within three months after the completion of the same through any county in this State, to cause to be constructed and maintained suitable

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ditches and drains along each side of the road bed of such road or to construct culverts or openings through such road bed to connect with ditches or drains, or water courses, so as to afford sufficient outlet to drain and carry off the water along such railroad whenever the draining of such water has been obstructed or rendered necessary by the construction of such railroad; provided that none of the drains or ditches herein referred to shall be required to be constructed by any of the persons or corporations herein named or described, except when required to remove and drain off water accumulated upon property adjacent to or upon the right of way whose natural channel or outlet has been destroyed or impaired by the embankment of such railway so constructed as aforesaid. And in case such corporation, company or person shall fail or neglect to construct and maintain such ditches or drains as are herein required, within the time limited in this Section, the Board of County Commissioners of any County, through which such railroad has been, or may be constructed and located and in which the draining herein required has been neglected, are hereby authorized and required, upon the petition of twenty land owners of such County along the line of and contiguous to such railroad, to cause such ditches or drains as are herein required to be constructed and maintained, and said Board of County Commissioners may maintain an action against such corporation, company or person so failing to comply with the provisions of this Section, in any Court of competent jurisdiction, in the name of such County, and shall be entitled to recover all costs and expenses incurred in the construction and maintenance of said drains or ditches.

Culverts.

Proviso.

Failure to comply with provisions of Act.

Petition.

County Commissioners to construct ditches or drain, when.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 4. This Act shall be in force and effect from and after its final passage.

When act takes effect.

Approved Mch 6, 1903

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CHAPTER CII.

An Act entitled, "An Act to Protect Employees in certain Rights relating to Company Boarding Houses, and providing a penalty for the violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Unlawful to compel employee to board at company boarding house.

Section 1. It shall be unlawful for any person, firm company or corporation now operating, or who shall hereafter operate a boarding house in connection with their general business, either directly or through others, to compel an employee to board in such boarding house against his will.

Penalty.

Section 2. Any person, firm, company or corporation violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 6, 1903

CHAPTER CIII.

An Act to protect the owners of real estate and claimants under any of the land laws of the United States, and lessees of State Lands from trespass by depredation or injury from live stock held in herd.

Be it Enacted by the Legislative Assembly of the State of Montana:

Trespass by live stock held in herd.

Section 1. It shall be unlawful for any person or persons to wilfully drive, or cause to be driven, any live stock held in herd, on or over any field, ranch

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property or valid claim in process of title under any of the land laws of the United States, or under lease from the State of Montana, whether the same be fenced or not; provided, that any lands so owned, or under process of title, or under lease, and not fenced, shall be clearly defined by suitable monuments or stakes, and plough furrows, with printed or written notices indicating the lands so held. Proviso.

Section 2. For any violation of the provisions of this Act, such stock so driven, or herded, or permitted to enter upon the property referred to under Section 1 of this Act, shall, upon complaint to any magistrate or court of record, of the owner, or claimants under any of the land laws of the United States, or of the State, be subject to the payment of a fine of not less than Twenty-Five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00), and the costs of such proceedings. Penalty.

Section 3. All fines collected under the provisions of this Act shall be converted into the school funds of the county in which the action is brought. Disposition of fine.

Section 4. This Act is not intended, and shall not apply to stock on range not held in herd, or not in charge of a herder. Intention of Act.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage. When act takes effect.

Approved Mch. 6th 1903

CHAPTER CIV.

An Act entitled, "An Act to regulate the wages of engineer, night engineer and day fireman of the heating plant of the State Capitol and employees of the State Capitol building.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Schedule of wages of employes at State Capitol Building.

Section 1. That the following schedule of wages be and is hereby authorized for the employment of persons in the operation of the heating plant of the State Capitol: Head Engineer, $125.00 per month, Night Engineer, three dollars and fifty cents per shift; day fireman, three dollars per day, and that all other employees shall receive three dollars per day for each day employed and the Head Janitor shall receive in addition thereto, the sum of Ten Dollars per month.

Board of Examiners to employ.

Section 2. That the State Board of Examiners is hereby authorized and empowered to employ said labor as directed by the wage schedule of Section 1 of this Act.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 6. 1903

CHAPTER CV.

An Act Entitled "An Act to amend an Act providing for Farmers Institutes and making an appropriation therefor." Approved March 14th, 1901.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1 of Act approved March 14, 1901. amended.

Section 1. That Section 1 of said Act be and the same is hereby amended so as to read as follows:

Section 1. The Board of Administration of the Farmer's Institutes, as provided for in this Act, shall consist as follows:

Board of Administration of Farmers Institutes, members of.

The Governor of the State and the Director of the Montana Experimental Station, both of whom shall be ex-officio members, and the presidents of the following named organizations:

The Montana Registered Cattle Breeders Association, The Montana Woolgrowers Association, The

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Montana Livestock Association, The Montana Horticultural Society, The Montana State Board of Horticulture, The Montana Agricultural Association and the Montana Dairymans Association, when these last two shall have been duly organized. Members of such Board of Administration shall be designated the "Directors of the Montana Farmers' Institutes," and shall be authorized to hold Institutes for the instruction of the citizens of this State in the various branches of agriculture, and shall prescribe such rules and regulations as they may deem best for organizing and conducting the same. Such Institutes shall be held at least once in each County in each year and at such times and places as the directors may designate; provided the requirements of the Board of Administration have been complied with, such as County Institutes or local organizations providing a suitable hall, lighting and heating the same, and bearing necessary advertising expense. The directors may employ an agent or agents to perform such work in organizing or conducting said Institutes as they may deem best. A course of instruction at such Institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

Powers and duties of Directors of Montana Farmers' Institutes.

Proviso.

Course of instruction.

Section 2. For the purpose mentioned in this Act, the Directors may use the sum as they may deem proper not exceeding the sum of Four Thousand Dollars ($4000.00) per annum, and that until otherwise provided by law the State Treasurer shall pay, out of any money in the State Treasury not otherwise appropriated, a sum not to exceed Four Thousand Dollars ($4000.00) during each fiscal year hereafter, on the order of the said Board of Directors. Each Institute held under the authority of this Act, shall be entitled to a sum not exceeding Fifty ($50.00) Dollars from the amount appropriated under this Act.

Appropriation

Sum for each Institute.

Section 3. That Section 5 of said Act be and the same is hereby amended so as to read as follows:

Section 5 of said Act amended.

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Meeting of Board of Administration.

Section 5. That Immediately upon the passage and approval of this Act, the Board of Administration shall meet in the City of Helena and arrange for the first series of Institutes throughout the State, and

Annual meeting.

thereafter such Board shall meet annually on the second Tuesday in September to arrange for such Institutes, and they shall again meet on the second Tuesday in March of each year to audit all expenditures and arrange for the printing in pamphlet form,

"Institute Annual."

within sixty days of said meeting, of the "Institute Annual", and that the cost of said Annual shall not

Cost.

exceed One Thousand Five Hundred ($1500.00) Dollars in any one year.

Repealing clause.

Section 4. That all Acts and parts of Acts in conflict with the provisions of this Act be and the same are hereby repealed.

When act takes effect.

Section 5. This Act shall take effect from and after its approval.

Approved Mch 6th 1903

CHAPTER CVI.

"An Act to extend the Boundaries of Powell County and to alter the boundaries of Lewis and Clarke County to conform thereto."

Be it Enacted by the Legislative Assembly of the State of Montana:

Portion of Lewis & Clarke County made a part of Powell County.

Section 1. All that portion of Lewis and Clarke County embraced within the following Boundaries is hereby segregated from the said Lewis and Clarke County and attached to and made a part of Powell County to wit: beginning at the northwest corner of

Description.

Township Sixteen north of Range Eleven west; thence running south along the west boundary line of Township Sixteen north of Range Eleven west to the southwest corner of said Township Sixteen; thence east along the south boundary line of Township Sixteen

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north of Range Eleven west to the south east corner thereof; thence south along the west boundary line of Township Fifteen north of Range Ten west to the southwest corner of said Township Fifteen; thence east along the south boundary line of said Township Fifteen to the south-east corner thereof; thence north along the east boundary line of Township Fifteen and Sixteen north of Range Ten west to the north east corner Township Sixteen north of Range Ten west; thence west along the north boundary line of Township Sixteen north of Ranges Ten and Eleven west to the place of beginning.

Same.

Section 2. All territory and appurtenances within the boundaries of Lewis and Clarke County as by this Act established, heretofore belonging to Lewis and Clarke County are hereby segregated from said Lewis and Clarke County and are attached to and made a part of Powell County.

Boundaries of Lewis & Clarke County.

Section 3. The boundaries of Lewis and Clarke County are hereby altered to conform to the boundaries of Powell County as established by this Act.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved Mch 6, 1903.

CHAPTER CVII.

An Act To Amend Section 584, Division 1, Part 4, Chapter 1, Of The Civil Code Of The State Of Montana, Relating To Reserve in Banks.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 584, Chap. Title 3, Part 4, Division 1. Civil Code. amended.

Section 1. That Section 584 of Chapter 1, Title 3, Part 4, Division 1, of the Civil Code of the State of

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Montana, be, and the same is hereby amended to read and shall be numbered as follows:—

Bank must keep funds on hand, amount of

Section 584. Each Bank organized under the provisions of this Title must at all times have on hand in available funds, an amount equal at least to twenty per centum of all its immediate liabilities; one half of this amount of available funds must consist of balances due the bank from solvent banks, one half of such sum shall be held in reserve as cash in hand. Immediate liabilities shall include all deposits due individuals, firms or corporations or to banks, and all items in the nature of claims payable on demand. In cash on hand shall be counted specie, legal tender notes, and all bills of solvent Banks. Whenever available funds of any Bank shall be below twenty per centum of its immediate liabilities such corporation shall not decrease its funds by making any new loans, discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividends of its profits until the required ratio between its immediate liabilities and its available funds has been restored. Whenever the available funds on hand of any bank shall not equal the amount above provided the State Examiner must notify such Bank to make good such reserve, and if such Bank shall fail to do so within thirty days after such notice, it shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Penalty for violation of Act.

When act takes effect.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 6th 1903

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CHAPTER CVIII.

An Act to Amend Section 6 of an Act of the Seventh Legislative Assembly Entitled, "An Act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said Board."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6 of an Act of the Seventh Legislative Assembly Entitled, "An Act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said Board, be amended so as to read as follows:

Section 6 of 7th session creating Board of Health, amended.

Section 6. The Secretary shall hold office for two years but may be removed at any regular meeting of the Board by a majority of the members voting therefor, if he shall fail to discharge the duties required of him. He shall keep such records, prepare such blank forms, make such reports and discharge such duties as the Board may prescribe and shall receive a salary of not to exceed One Hundred Dollars a month for such time as said Board may direct to be paid by the Treasurer of the State on the warrant of the Auditor.

Secretary, term of, may be removed.

Duties.

Salary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause

Section 3. This Act shall be in full force and effect from and after its passage.

When act takes effect.

Approved Mch 6th 1903

CHAPTER CIX.

An Act to amend Section one, two, seven, eight, nine, fifteen and nineteen of An Act Entitled "An Act to Create the Montana State Board of Horticulture",

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to prescribe its duties and powers and to appropriate money therefor, approved February 17, 1899; and as amended by the Act of March 14, 1901; and to add to said act certain new sections to be designated as Section 21 to 28, inclusive.

Sections 1, 2, 7, 8, 9, 15 and 19, approved Febv. 17, 1899, and as amended by Act approved March 14, 1901, amended and sections added.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I. That Section One of said Act be amended so as to read as follows:

State Board of Horticulture created.

Section 1. There is hereby created a State Board of Horticulture, to consist of seven members, six of whom shall be appointed by the Governor, one from each of the horticultural districts that are hereby created, and the State Executive who shall be an ex-officio member of the board. No person shall, however, be appointed on said board, or employed by them, who shall be connected in any way, with any nursery, or who shall be engaged in the sale or handling for profit of any nursery product.

Members.

Proviso.

Section 2 of said Act amended.

Section 2. That Section Two of said Act be amended so as to read as follows:

State divided into Horticultural districts.

Section 2. The State shall be divided into the following horticultural districts: The first district shall comprise the Counties of Dawson, Custer, Yellowstone, Sweet Grass, Carbon, Park and Rosebud; the second district shall comprise the Counties of Gallatin, Madison, Jefferson, Beaverhead, Silver Bow, Lewis and Clarke, Meagher and Broadwater; the third district shall comprise the Counties of Cascade, Fergus, Valley, Choteau and Teton; the fourth district shall comprise the Counties of Missoula, Granite, Powell and Deer Lodge; the fifth district shall comprise the County of Ravalli; and the sixth district shall comprise the County of Flathead.

Section 7 of said Act amended.

Section 3. That Section Seven of said Act, as the same is now in force after amendment by Act of March 14, 1901, be amended so as to read as follows:—

Section 7. For the purpose of preventing the spread

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of contagious diseases among fruit and fruit-trees, and for the prevention, treatment, cure and extirpation of fruit pests, and diseases of fruit and fruit trees, and for the disinfection of grafts, scions and orchard debris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruit and fruit trees, said Board may prescribe regulations for the inspection, disinfection or destruction thereof, which regulation shall be circulated in printed form, by the Board, among fruit growers and fruit dealers of the State, and shall be published at least ten days in two horticultural papers, of general circulation in the State, and shall be posted in three conspicuous places in each County in the State, one of which shall be at the County Court House thereof. For further prevention of the spread of diseases dangerous to fruit and fruit trees, it shall be unlawful for any person, or persons, dealer or dealers, to allow, or cause to be used the second time any crate, box, barrel, package or wrapping once having contained fruit of nursery stock, and that the destruction of the same must be made in its entirety, and that the finding of such crate, box, barrel, package or wrapping in possession of any person or persons, dealer or dealers, other than the consignee, shall be considered Prima Facie evidence of a violation of this Act.

Board to prescribe regulations

Evidence.

Any member of the Board of officers thereof, is hereby authorized to seize and destroy by burning without breaking said crate, box, barrel, package or wrapping wherever found, and to prosecute said violator or violators.

Power of members.

Section 4. That Section Eight of said Act, as the same is now in force after amendment by the Act of March 14, 1901, be amended so as to read as follows:

Section 8 of said Act amended.

Section 8. The said Board shall elect from their own number, or appoint from without their number, to hold office at the pleasure of the Board, one competent person in each district, to be known and act as

Inspector of fruit pests.

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Inspector of fruit pests. Said inspector shall be selected with reference to their study and practical experience in horticulture.

Duty of Inspector.

It shall be the duty of said Inspector to visit the nurseries, orchards, stores, packing houses, warehouses and other places where horticultural products and fruits are kept and handled within their prospective districts, and to see that the regulations of the State Board of Horticulture to prevent the spread of fruit pests and diseases of trees and plants, and the disinfection of fruits, trees, plants, grafts, scions, orchard debris, and empty fruit boxes and other material shall be fully carried out and complied with. Said inspector shall have free access, at all times, to all premises where any trees, plants, fruits, or horticultural products or supplies are kept or handled, and shall have full power to enforce the rules and regulations of the State Horticultural Board, and to order the destruction and disinfection of any or all trees, plants, fruits or horticultural products or supplies found to be infected with any disease as prescribed or designated by said Board.

Special Inspectors.

Powers and duties.

Compensation.

The said Board may appoint one or more as necessary, competent persons, to be known as Special Inspectors, whose general powers and duties shall be regulated and prescribed by the member of the Board for that district. Such Special Inspector shall receive such sum per day, as the said Board of Horticulture may agree upon, provided such sum shall in no case exceed the sum of five dollars per day, for the time actually employed.

Inspector at Large.

Duties.

Compensation.

The said Board shall appoint one person to be known as Inspector at Large for the State, whose duties shall be prescribed by the Board, and who shall receive the sum of five dollars per day for the time actually employed.

Section 9 of said Act amended.

Section 5. That Section Nine of said Act, as the same is now in force after amendment by the Act of

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March 14, 1901, be amended so as to read as follows:

Duty of person selling to notify Inspector.

Section 9. It shall be the duty of every person or persons corporation or corporations, who shall sell or deliver to any person or persons, corporation or corporations, any trees, plants, vines, scions, or grafts, to notify the Secretary of the Board, whose duty it shall be to notify the Inspector of said district wherein such vines, etc., etc., are to be delivered, at least five days before said goods are to be delivered, giving the date and nursery, or railroad station where said trees, plants, scions, etc., etc., are to be delivered, together with the name of the party or parties who are to receive the same. It shall be the duty of the Inspector receiving said notice, to inspect the said trees, plants, grafts, scions, etc., etc., as soon thereafter as practicable, and if the same be found free from any and all diseases or pests, as designated by said State Board of Horticulture, he shall so certify, and shall attach such certificate to each lot or bill of such trees, grafts, plants, scions, etc., which said certificate must contain a list of the said trees, grafts, scions, vines, or plants so inspected. But if any of the trees, grafts, scions vines, or plants so inspected, shall be found to be diseased or infested with any of the pests, as prescribed by the said Board, then the Inspector shall order the disinfection or destruction of such trees, grafts, scions, vines, etc., etc., so diseased or infected, together with all boxes, wrappings or packing pertaining thereto, and charge and collect the sum of ten dollars ($10.) for the disinfection and inspection of each car load of such nursery stock, and a proportionate sum for less than car lots, but in no instance for less than two dollars ($2.) for each separate inspection or disinfection; provided, that the State Board of Horticulture shall have power to designate certain places as quarantined stations, where all nursery stock brought into the State shall be inspected and disinfected.

Duty of Inspector.

Certificate.

Fee for inspection.

For the inspection of fruits, a fee of two cents per

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box or package, with a maximum fee of five dollars for each separate lot or car shall be charged and collected. The inspector shall collect such fees and shall not give certificates of inspection until the fees are paid.

Section 15 of said Act amended.

Section 6. That Section Fifteen of said Act, as the same is now in force after amendment by the Act of March 14, 1901, be amended so as to read as follows:

Compensation of Inspectors.

Section 15. The Inspectors of fruit pests appointed or elected by said Board, shall receive as compensation for their services such sum as the Board may regulate, provided, that said sum shall not exceed five dollars per day for the time actually employed. The members of said Board shall receive no compensation for their services except actual expenses paid out. The Secretary of said Board shall receive the sum of one thousand dollars ($1,000.) per annum for his services.

Members receive no compensation except expenses.

Salary of Secretary.

Section 19 of said Act amended.

Section 7. That Section Nineteen of said act, as the same is now in force after amendment by the Act of March 14, 1901, be amended so as to read as follows:—

Appropriation 1902-1903.

Section 19. There is hereby appropriated for the use of the State Board of Horticulture as set forth in this Act, out of the moneys in the State Treasury, not otherwise appropriated, the sum of Three Thousand five hundred dollars ($3,500.) or so much thereof as may be necessary, for the year commencing December 1, 1902, and Two thousand five hundred dollars ($2,500.) or so much thereof as may be necessary for the year commencing December 1, 1903.

Sections 21, 22, 23, 24, 25, 26, 27 & 28 added.

Section 8. That there shall be added to said Act of February 17, 1899, as new enactments the following additional Sections to be designated as Sections 21, 22, 23, 24, 25, 26, 27, and 28:—

No fruit to be transported without Inspector's Certificate.

Section 21. Every person who for himself, or as agent for any other person or persons, transportation company or common carrier, shall deliver or turn over to any person or persons, corporation or corporations,

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any fruits without first having attached the inspector's certificate shall be deemed guilty of a misdemeanor. Misdemeanor.

Section 22. No person firm or corporation shall engage or continue in the business of selling within the State, or importing fruit trees, plants or nursery stock into the State, without first having obtained a license to do business in this State, as in this Act provided. License.

Section 23. Any person, firm or corporation, may obtain a license to engage in the business of selling fruit trees, plants or nursery stock into this State, upon the payment of the sum of twenty-five dollars, and by filing with the Secretary of the State Board of Horticulture, bond with sureties, in the sum of one thousand dollars ($1,000.), conditioned that the principals will faithfully obey the laws of the State of Montana, and that the said principals will pay the cost of fumigation of all nursery stock or other materials or goods imported into or sold within the State by the said principal or his or their agent, and the expense of destruction of any infested nursery stock. License granted under this Act shall be for one year, Provided, however, that such license may be revoked at any time for any violation of this Act, at the discretion of the Board. License. Fee. Bond. Revocation of license.

Section 24. It shall be the duty of every person, firm or corporation licensed to do business under this Act to notify the Secretary of the State Board of Horticulture of his intention to ship an invoice of fruit trees, plants or nursery stock, from one point to another in this State, or from any point without this State into this State. The said notice shall contain the name and address both of the consignor and consignee, and the invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from whom the consignee is to receive such goods. Such notice shall be mailed at least five days before the day of such shipment. Notice of intention to ship. Notice, what to contain.

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Label.

Section 25. It shall be the duty of each person or corporation offering to sell, or selling and delivering, any nursery stock, fruit trees, plants, vines, scions, cuttings, etc., etc., within the State of Montana, to place on each and every package so sold and delivered, a label or card, containing the name and address of both the consignor and consignee, and the invoice of the stock therein contained.

Violation of act misdemeanor.

Section 26. Any person or persons who shall receive and accept any nursery stock, fruit trees, plants, vines, scions, cuttings, grafts, etc., etc., that have not been inspected by a duly appointed inspector of the State Board of Horticulture, and shall use or dispose of said nursery stock, fruit trees, vines, plants, scions, cuttings, grafts, etc., etc., without first notifying the inspector and furnishing him opportunity to examine, and if necessary fumigate the said nursery stock, will be deemed guilty of a misdemeanor and will be subject to a fine as further provided in this Act.

Disinfection.

Section 27. All nursery stock, trees, plants vines and cuttings grown or growing within the State of Montana, used for filling orders shall, after said stock shall have been taken from the nursery rows or grounds, and before the same shall have been packed for delivery, be inspected by a duly appointed inspector and shall be disinfected by fumigating or other method, when in his judgment such is necessary. After such inspection, if it be found that said nursery stock, trees, plants, vines and cuttings, are clean and free from insects and fungi pests, he shall issue his certificate to said nurseryman, and said certificate shall entitle him to use said stock, so inspected and disinfected for filling orders for next current delivery.

Nurseries to give notice to Secretry.

Nurseries shall give to the Secretary of the Board five day's notice of the time when said stock shall be ready for inspection under the provisions of this Act.

Penalty for violation of act.

Section 28. Any person or persons, corporation or corporations, transportation companies or common

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carriers, violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor and fined in the sum of not less than twenty-five dollars ($25.), nor more than three hundred dollars ($300.)

Repealing clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 10. This Act shall take effect and be in force from and after its passage and approval.

Approved Mch 6 1903

CHAPTER CX.

"An Act to provide a Penalty for Dogging Live Stock on Public Ranges.

Be it Enacted by the Legislative Assembly of the State of Montana:

Dogging live stock.

Section 1. Any person, who shall permit or direct any dog owned by them, or in their possession or in the possession of any employer to chase or run any cattle or other live stock, of which he is not the owner or the person in charge, upon the open range, or government lands or away from any watering place upon the open range, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than Fifty ($50.00) Dollars.

Penalty.

When act takes effect

Section 2. This Act shall take effect from and after its passage and approval.

Approved Mch 6. 1903

CHAPTER CXI.

An Act to Prescribe the Duties of Peace Officers of this State upon Complaint being made to them by any citizen of the commission of an offense against the law, and to provide penalties for violation thereof.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Duty of peace officers.

Section 1. It shall be the duty of every sheriff, undersheriff deputy sheriff, constable, city marshal, chief of police, city detective, policeman, or other Peace Officer, upon being informed by any citizen of this State that any offense against the laws of this State is being committed, or is about to be committed, by any person or persons within the limits of such officers' jurisdiction, to immediately and expeditiously proceed to the place where the alleged offender or offenders are to be found, in company with the informant, if he so requests, and to arrest such offender or offenders wherever they may be found.

Penalty.

Section 2. Any sheriff, under sheriff, deputy sheriff, constable, city marshal, chief of police, city detective, policeman, or other Peace Officers, violating the provisions of Section 1 of this Act shall be punishable by fine of not less than One Hundred Dollars, nor more than One Thousand Dollars, or by imprisonment in the county jail not less than one month, nor more than one year, or by both such fine and imprisonment, and shall be removed from office upon conviction and be permanently disqualified thereafter from election or appointment to any of the offices herein enumerated.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 6, 1903

CHAPTER CXII.

An Act regulating Insurance Companies.

Be it Enacted by the Legislative Assembly of the State of Montana:

Insurance Companies not to discriminate in premiums and rates.

Section 1. No Insurance Company organized under the laws of this State, or doing business in this State,

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shall make or permit any discrimination or distinction in favor of individuals between insurants or property of the same class in the amount of premiums or rates charged for policies, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such Company or any agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon, nor shall any such Company or agent pay or allow, offer to pay or allow, as inducement to insurance, any rebate of premium payable on the policy or any special favor or advantages in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy contract of insurance.

Rebate.

Section 2. Every corporation or officer or agent thereof which shall violate any of the provisions of this Act shall be fined in any sum not exceeding five hundred dollars to be recovered by any action in the name of the State, and on collection to be paid into the County Treasury for the benefit of the common school fund.

Penalty for violation of act.

Section 3. Every officer or agent of any such corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor.

Section 4. It shall be the duty of the State Auditor, upon being satisfied that any corporation, or agent thereof, has violated any of the provisions of this Act to revoke the license of the company or agent so offending and no license shall be granted to such Company or agent for one year after such revocation.

Duty of State Auditor.

Revocation of license.

Section 5. Nothing in this Act shall be construed as affecting fraternal associations or secret societies, which may insure the lives of their members only.

Exception.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 7. This Act shall take effect from and after its passage and approval.

When act takes effect.

Approved Mch. 7th 1903

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CHAPTER CXIII.

"An Act Providing that taxes Received from Fire Insurance Companies, Corporations and Associations Doing Business In the State Of Montana Be Applied To the Maintenance of Fire Departments."

Be it Enacted by the Legislative Assembly of the State of Montana:

Monies received from Fire Insurance Companies applied to maintenance of Volunteer Fire Department.

Section 1. That monies received from Fire Insurance Companies, Corporations and Associations in payment of the general fund levy of taxes upon the excess of premiums received over losses sustained in this State, as now or hereafter to be provided by law, shall be applied to the maintenance of the Voluntee fire departments of the Cities and towns where such business shall be carried on, if there be such fire department there established; and if there be a paid fire department established in any city or town, then the monies received from such Insurance Companies shall be paid into the "Disability Fund" of said paid fire department. If there be no fire department established in the city or town where such business shall be carried on, then such money shall be paid into the general fund of such county; and all excess premiums collected in any county by any fire Insurance Company shall be deemed personal property for the purposes of assessment by County Assessors, "Provided, however, that this Act does not refer to or apply to any of the fees or taxes received from Insurance Companies under Authority of the Insurance Laws now in force, by or through the office of the State Auditor."

"Disability Fund."

Proviso.

Repealing clause

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved Mch 7th 1903

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CHAPTER CXIV.

An Act to enable the State to Accept the offer of the United States, viz: 1,000,000 acres of arid land under an Act of Congress, commonly known as the Carey Act, approved August 18, 1894 amended June 11, 1896 and March 3, 1901, by abolishing the State Arid Land Grant Commission, and establishing instead the Carey Land Act Board, to be composed of the State Engineer, Secretary of State and State Examiner, defining the duties and powers of said Board, providing that it serve without additional compensation, relieving the State liability, disposition of fund from land sales, making eight hours a day's work, and probibiting Mongolian labor on any contract under this Act, and creating the office of State Engineer, defining his duties and salary and appropriating funds for salary, office and traveling expenses of Engineer and Carey Land Act Board.

Be it Enacted by the Legislative Assembly of the State of Montana:

Enabling State to accept offer of United States.

Section 1. For the purpose of enabling the State to accept the offer of the United States, made by Act of Congress, approved August 18, 1894, entitled, "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1895, and for other purposes," and as amended by an Act of Congress, approved March 3, 1901; for the purpose of reclaiming the lands therein mentioned, in accordance with the terms of said Acts, so that the State can obtain title thereto, a Board shall be, and is hereby created under the name of the Carey Land Act Board, which shall consist of three members, and they and their successors shall remain and continue to be such for all the purposes therein after provided.

Carey Land act Board to be successors of State Arid Land Grant Commission.

Section 2. The Carey Land Act Board shall be successor of the State Arid Land Grant Commission,

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Duties.

which is hereby abolished, and as such successor shall perform the same duties pertaining to unfinished contracts of said Commission as were imposed upon said Commission under the law creating said commission and defining its powers and duties, so far as the same may be necessary to complete such contracts or protect the State's interest.

Members Carey Land Act Board.

Section 3. Said Carey Land Act Board shall consist of the State Engineer, Secretary of State, and the State Examiner, none of whom shall receive additional compensation for service on said Board.

No additional compensation.

Traveling expenses.

Section 4. The traveling expenses necessarily incurred in the performance of his duties as a member of the Board, by any member of the Board or by the Secretary of the Board, and necessary office expenses of the Board shall be paid by the State, on sworn statements of accounts, approved by the State Board of Examiners.

Office expenses

State Engineer chairman of Board.

Section 5. The State Engineer shall be Chairman of the Carey Land Act Board, and shall sign all contracts made by it. Said Board shall meet at such times and places as the State Engineer designates, except that in the absence of the State Engineer an emergency occurring, a meeting may be held, but the action of the Board at such meeting shall not be binding until ratified by the State Engineer.

Meetings.

State Engineer appointed by Governor and confirmed by Senate.

Section 6. There shall be a State Engineer, who shall be appointed by the Governor of the State, and confirmed by the Senate; he shall hold his office for the term of four years, or until his successor shall have been appointed and shall have qualified; no person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

Term of office.

Qualifications.

Section 7. The State Engineer shall:

Powers and duties of State Engineer.

1. As Chairman of the Carey Land Act Board perform such duties as are imposed upon him by the law governing that Board, giving special attention to the

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projects already commenced by the State Arid Land Grant Commission.

Same.

2. With the approval of the State Board of Land Commissioners, he shall examine or cause to be examined, tracts of land belonging to the State or to State institutions, and ascertain how much of same it is practicable to irrigate and report to said Land Commissioner detailed description of any such lands as can be irrigated, the probable cost of an irrigation system for same; and when directed so to do by said Commissioner shall prepare plans and specifications for any such irrigation system.

3. The State Engineer shall become conversant with the waterways of the State and the needs of the State as to irrigation matters, shall make or cause to be made, measurements and calculations of the ordinary and flood discharge of streams, co-operating in this work as much as possible with the U. S. Geological Survey and the Montana Experiment Station: such measurements to be made on streams in order of their importance, provided that measurements already made, if deemed reliable, may be adopted.

4. The State Engineer shall keep in his office full and proper records of his work, observations and calculations, all of which shall be property of State.

Report.

5. The State Engineer shall prepare and render to the Governor, bi-annually, and oftener if required, full and true reports of his work and such suggestions as to laws and amendments as he deems best.

Serve on State Board of Health.

6. He shall serve on the State Board of Health.

Oath and Bond.

Section 8. Before entering upon the duties of his office, the State Engineer shall take the oath of office and shall give a bond to the State of Montana in the penal sum of Five Thousand Dollars, conditional upon the faithful discharge of the duties of his office, and for the delivery of his successor, or other officer appointed by the Governor to receive the same, all moneys, books, and other property belonging to the

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State, then in his hands or under his control, or with which he may be legally chargeable as such officer.

Salary. Section 9. The State Engineer shall receive a salary of Two Thousand Five Hundred Dollars per annum.

Office in Capitol Secretary. Section X. The State Engineer shall keep his office at the State Capitol, in the Capitol Building.

Duties. Section XI. Said Carey Land Act Board may, if in its judgment necessary, have a Secretary, and may employ as such secretary, a clerk, who shall keep a proper record of its transactions, keep its accounts, have charge of funds paid to it, of its correspondence and documents, countersign papers and instruments, and perform such duties as the Board may require. He shall have authority to administer oaths whenever necessary in the performance of his duties as Secretary. He shall give a bond for the faithful performance of those duties in an amount to be fixed by the Board.

Bond.

Salary of Secretary. Section 12. The Secretary's salary shall be fixed by the Board in proportion to services performed, provided the sum shall not exceed One Hundred and TwentyFive Dollars ($125.00) per month.

Board not to obligate State. Section 13. Nothing in this Act shall be construed as authorizing the Board to obligate the State to pay for any work constructed under any contract, or to hold the State in any way responsible to settlers for the failure of contractors to complete the work according to the terms of their contracts with the State.

8 hours day's work. In all contracts let under this Act, eight hours shall constitute a day's work, and no Mongolian shall be employed thereon.

Mongolians.

Cary Land Act Fund. Section 14. As provided in the Act of Congress, all moneys received by the Board from the sale or lease of land selected under the provisions of this Act shall be deposited with the State Treasurer to the credit of the Carey Land Act Fund.

Appropriation Section 15. There is hereby appropriated out of the

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funds of the State not otherwise appropriated, the following sums, or as much thereof as may be necessary, out of which shall be paid all salaries, traveling and office expenses of the State Engineer and other members of the Carey Land Act Board, and its Secretary, viz: Three Thousand Five Hundred Dollars, for the fiscal year ending November 30, 1903, and Five Thousand Five Hundred Dollars for the fiscal year ending November 30, 1904.

Title 8, Part 3, Political Code. Sections 3530 to 3547 inclusive, and approved Mar. 5, 1897, creating State Arid Land Grant Commission, repealed.

Section 16. Title VIII, Part III of the Political Code of this State, Sections 3530 to 3547 inclusive, and the Act of the Legislature of this State, approved March 5th, 1897, entitled "An Act to amend Sections 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, Article II, Title VIII, Part II of the Political Code of the State of Montana, creating the State Arid Land Grant Commission, and defining its powers and duties, and to add thereto Sections 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3559 a, 3559 b, 3559 c, 3559d, 3559 e, 3559 f. To provide for the reclamation of arid lands granted to the State of Montana by Acts of Congress, and to provide for the issuance of bonds, and the appropriation of money for the carrying of this Act into effect, and the payment of expenses heretofore incurred, and warrants heretofore issued by the State Arid Land Grant Commission, and an Act of the Legislature of this State, approved February 27, 1899, entitled "An Act to Amend Article II Title VIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Commission, and defining its powers and duties, and all Acts and parts of Acts amendatory thereof: by providing for the purchase and reclamation of certain lands situated in the County of Yellowstone, and State of Montana, by the issue of bonds, by adding thereto the following: "and all other laws and parts of laws in conflict with this Act, are hereby repealed.

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When act takes effect.

Section 17. This Act shall take effect and be in force from and after its passage.

Approved Mch 7, 1903

CHAPTER CXV.

"An Act to prevent wrongs to children and dumb animals, and to establish a bureau of child and animal protection",

Be it Enacted by the Legislative Assembly of the State of Montana:

Montana State Humane Society constituted State Bureau of Child and Animal Protection.

Section 1. That the Montana State Humane Society be and hereby is constituted a State bureau of child and animal protection for the purposes hereinafter set forth; provided, that the said Humane Society shall accept and carry out the provisions of this Act.

Proviso.

Ex-officio members of Bureau.

Section 2. The Governor, the Superintendent of Public Instruction, and the Attorney General shall be ex-officio members of the Board of Directors of the said State bureau.

Duty of Board.

Section 3. It shall be the duty of the said bureau to secure the enforcement of the laws for the prevention of wrongs to children and dumb animals; to appoint local and State agents; to assist in the organization of city and county societies and give them representation in the State bureau; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to children and dumb animals, which may now or hereafter exist; and to promote the growth of education and sentiment favorable to the protection of children and dumb animals.

Meetings.

Section 4. Said bureau shall hold its annual meetings on the second Monday of November of each year, at the Capitol of the State for the transaction of its business and the election of its officers, at which meetings all questions relating to child and animal protection in the State may be considered.

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Secretary.

Section 5. The Governor of the State, upon recommendation of the Board of Directors of said bureau, shall appoint a Secretary, at a salary of Twelve Hundred Dollars ($1200.) per year, whose duty it shall be to carry out the purposes of the said bureau as hereby established, under the direction and control of the said Board of Directors. The Board may appoint such agents as they may deem best, throughout the State, to serve without pay, and to hold office during the pleasure of the Board.

Salary.

Duty.

Agents.

No compensation.

Office at Capitol.

Section 6. That the Board shall be provided with a suitable office at the Capitol, The usual supply and necessary printed matter for the office shall be furnished on requisition by the Secretary in the same manner as for other State officers.

Printed matter.

Disposition of Fines.

Section 7. That one-half of all fines collected in actions instituted by said Montana State Humane Society or local Humane Societies, represented in said State society, or by their agents, within the scope of the powers and duties of said societies, as herein prescribed shall be paid over by the officer collecting the same, to the person furnishing information which leads to the trial and conviction of persons violating the laws of Montana, relating to cruelty to children and dumb animals, and one-half to the State Treasurer, to be by him placed to the credit of said bureau.

Report of Bureau.

Section 8. The said bureau shall make an annual report before the first day of January of each year to the Secretary of State, embracing the proceedings of the bureau for the preceding year, and statistics showing the work of the bureau and its agents and county and city societies throughout the State, together with such papers, facts and recommendations as they may deem useful to the interest of children and dumb animals in the State, said report to be fully prepared for publication. The Secretary of State shall cause the same to be published in pamphlet or book form by the State, under the supervision of the bureau.

Publication of report.

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Number of copies published.

Binding.

Distribution.

Section 9. The number of copies to be published of said report shall be 1,000, all of which shall be bound in uniform style every two years in one volume, and shall be distributed by the Secretary of State as follows: 10 copies each to the Governor of the State, Secretary of State, State Auditor and State Treasurer; 5 copies each to the Judges of the Supreme Court and the Attorney General; 2 copies to each member of the Legislature; one copy to each Judge and Clerk of District Courts; one copy to each Board of County Commissioners; one copy to each newspaper office in the State; 10 copies to the State University, School of Mines, State Industrial Schools, and the Warden of the Penitentiary; 2 copies to each College of Learning in the State; 2 copies to the State Agricultural College, and the remainder to the bureau of child and animal protection.

When act takes effect.

Section 10. This Act shall be effective from and after its passage and approval.

Approved Mch. 7th 1903

CHAPTER CXVI.

An Act to repeal an Act entitled, "An Act to create a Board of Text Book Commissioners for the Purpose of establishing a Uniform Series of Text Books for the Public Schools of Montana and to Regulate the Supply of the Same, Defining the Duties and Powers of Said Board, and to Appropriate for their expenses a sum of Money therein named."

Approved March 1st, 1897.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Act to create Board of Text Book Commissioners approved March 1, 1897, repealed.

That An Act entitled, "An Act to Create a Board of Text-Book Commissioners for the purpose of establishing a uniform series of text-books for the Public

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Schools of Montana and to regulate the supply of the same, defining the duties and powers of said Board, and to appropriate for their expenses a sum of money therein named," Approved March 1st, 1897, be and the same is hereby repealed.

Section 2.

This Act shall take effect and be in force from and after its passage and approval. When act takes effect.

Approved Mch 7, 1903

CHAPTER CXVII.

An Act to amend Section 4062 of the Political Code of the State of Montana as the same is now in force after amendment by an Act entitled "An Act to amend Section 4062 of Article 2, Chapter XIII, Political Code of Montana, relating to Licenses," approved March 4, 1897, relating to Licenses.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of said Act entitled, "An Act to amend Section 4062 of Article 2, Chapter XIII, Political Code of Montana, relating to Licenses," be and the same is hereby amended so as to read as follows:— Section 1 of act to amend Section 4062, Art. 2, Chap. 3, Political Code, relating to licenses, amended.

Section 1. That Section 4062 of the Political Code of Montana, as the same is now in force after amendment by an Act approved March 4, 1897, be and the same is hereby amended to read as follows:

Section 4062. Licenses must be obtained for the purposes hereinafter named, for which the County Treasurer must require payment as follows:— Licenses.

1. Each proprietor of a billiard, pool or bagatelle table not kept exclusively for family use, for each table three dollars, and seventy-five cents per quarter, and for a bowling alley, five dollars per quarter for each alley; but no license must be granted for a term less than three months. Billiard and Pool table. Bowling alley.

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Theatre

2. The manager or lessee of every theater (not a variety or concert theater) one hundred dollars per annum; except that in towns of a population of 3500 or less, in cases where no monthly or annual license is paid, a license of two dollars for each single performance must be paid; for each single exhibition of opera or concert singer (not exhibited in any theater where a yearly license is paid) three dollars; for minstrels, legerdemain or shows not herein provided for, five dollars for each single performance (when not in a theater where a yearly license is paid) for each

Variety theatre

variety or concert theater, whether an admittance fee is charged or not, seventy-five dollars per month; for

Circus.

every circus or menagerie, including side shows, one hundred and twenty-five dollars per day; but no license must be collected from any amateur exhibition or con-

Amateur exhibition.

cert for school or charitable or religious purposes.

Pawnbroker.

3. For each pawn broker, fifty-five dollars per quarter.

Intelligence office.

4. For each keeper of an intelligence office, ten dollars per quarter.

Shooting gallery.

5. For each keeper of a shooting gallery, for gain, fifteen dollars per quarter.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 7, 1903

CHAPTER CXVIII.

An Act establishing a sub-experimental station of the Agricultural Experimental Station, near Billings, Montana, and providing for the acquisition of title for the land for the same and the direction thereof.

Be it Enacted by the Legislative Assembly of the State of Montana:

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Section 1.

Establishment of sub-experimental station of Agricultural Experimental station near Billings.

There is hereby established to be located within Three miles of the corporate limits of the City of Billings, Montana, in such land as the Governor and Secretary of State may select, a sub-station of the Agricultural Experimental Station provided for in Section 7 of an act of the legislature entitled "An Act providing for the location and establishment of the Agricultural College of the State of Montana, and an Agricultural Experimental Station in connection therewith, enumerating its objects and purposes, dedicating lands for the use of the same, providing for the government and control thereof, and accepting and adopting the provisions, donations and benefits contained in the Acts of Congress relating thereto, Approved February 16th, 1893.

Station in charge of 3 persons appointed by Governor with consent of senate

That said sub-station shall be under the general direction of the Experimental Station of the Agricultural College of the State of Montana, and its immediate direction shall be in charge of three persons to be appointed by the Governor by and with the consent of the Senate, Two of whom shall reside within ten miles of the sub-station.

"Directors of Billings sub-experimental station."

Said persons so appointed shall constitute a Board to be known as "Directors of the Billings Sub-Experimental Station" Said Board of Directors shall be at all times Subject to the direction and control of the said Experimental Station of the Agricultural College, and they shall serve without compensation.

No compensation.

Section 2.

Work at station

At said Sub-Station experimental work shall be conducted with a view to acquiring and diffusing useful and practical information on subjects connected with agriculture and to promote scientific investigation and experiments respecting the principle and application of agricultural science, under climatic and other conditions existing in the vicinity of the City of Billings.

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Section 3.

To use land heretofore acquired for Eastern State Prison

That for the purpose of securing title to the land selected by them for said sub-station, the Governor and Secretary of State are hereby authorized and empowered to either use the land hereto-fore acquired by the State for the Eastern State Prison, near Bilings and described as:

Description.

Each and all of the Lots contained in each and all of the following named and numbered Blocks, to-wit: Blocks numbered Two Hundred and Ninety five (295), Two Hundred and Ninety Seven (297, Two Hundred ninety eight (298), Two Hundred and ninety nine (299), Three Hundred and ten (310), Three Hundred and Nineteen (319), Three Hundred and Twenty Seven (327), Three Hundred and Thirty one (331), Three and thirty two (332), and Three Hundred and twenty six (326); The Lots in each of said Blocks being platted and numbered consecutively from one (1) to twenty four (24) both inclusive, and the total numbered of Lots in all of said Blocks being two hundred and forty (240): Also Lots numbered Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), (Twelve 12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), and Eighteen (18), in Block numbered Two Hundred and Ninety four (294); Also Lots numbered one (1), Two (2), Three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), and twelve (12) in Block numbered Three Hundred and Nine (309); also Lots numbered Thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17, eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24), in Block numbered Three Hundred and Thirty-three (333), also Lots numbered one (1), two (2), three (3), four (4), seventeen (17), eighteen (18),nineteen (19),twenty(20),twenty-one(21), twenty-two (22), twenty-three (23), and twenty-four (24), and fractional Lots numbered five (5), fifteen (15),

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and sixteen (16), in Block numbered Three hundred and twenty eight (328); Also Lots numbered twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24), in Block numbered Three hundred and twenty (320); also all of the unplatted lots or fractions of lots in any and all of said Blocks numbered Three hundred and twenty eight (328), and Three hundred and twenty (320); all and singular the said lots and parts of lots, and all and singular the said Blocks and parts of Blocks being in the First Addition to the town of Billings, in the county of Yellowstone and State of Montana, according to the plat of the said First Addition to the said Town of Billings, now on file and of record in the office of the Clerk and Recorder of the said County of Yellowstone: also all and singular the several tracts, pieces or parcels of land contained in the following bounded and described parts of streets and avenues, and in the following described alleys, situate in the aforesaid town of Billings and in the aforesaid First Addition thereto, to-wit: All that portion of Ninth (9) Avenue North lying and being included between the extreme easterly line of North Nineteenth street and the extreme westerly Line of North Fifteenth (15th) street; all that portion of Tenth (10th) Avenue North lying and being included between the extreme Easterly Line of North Nineteenth Street and the extreme westerly line of North Fifteenth (15th) Street; all that portion of Eleventh (11th) Avenue North lying and being included between the extreme westerly line of North Eighteenth Street and the extreme westerly line of North Fifteenth Street; all that portion of Twelfth Avenue North lying and being East of the extreme Westerly Line of North Eighteenth (18th) Street; all that portion of Thirteenth (13th) Avenue North lying and being East of the extreme Westerly line of North Eighteenth Street; all that portion of North Eighteenth Street lying and being north of the extreme southerly line of Ninth (9th) Avenue North;

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all that portion of North Seventeenth (17th) Street lying and being North of the extreme Northerly line of Eighth (8th) Avenue North, and all that portion of North Sixteenth (16th) Street lying and being North of the extreme Northerly line of Eighth (8th) Avenue North; also each and all of the alleys contained in each and all of the following named and numbered blocks, to wit:—Blocks numbered Three Hundred and Nineteen (319), Three hundred twenty (320), Three hundred twenty six (326), Three hundred twenty seven (327), Three hundred nine (309), Three hundred Ten (310), Three hundred thirty two (322), Three hundred thirty one (331), Three hundred Thirty Three (333), Two Hundred Ninety Eight (298), Two Hundred Ninety seven (297), Two hundred ninety nine (299), Two hundred ninety four (294), and Two hundred and ninety five (295); each and all of the aforesaid Blocks and the alleys therein being in the First Addition to the aforesaid town of Billings, in the said County of Yellowstone and State of Montana, or if such land, in their judgment is not suitable for the purpose of such sub-experimental station, then they shall and are hereby empowered to convey such land described as aforesaid in exchange for such suitable tract of land for the sub-experimental station as they may deem of at least equal value.

Section 4.

Selection of Land.

The Governor and Secretary of State shall make selection of the land provided for within sixty days after the approval of this Act, and within ninety days thereafter the State of Montana shall make provision for maintenance of said sub-experimental station.

Section 5.

Use of lands.

It shall be unlawful under any circumstances to use any funds appropriated for the Experiment Station at Bozeman for the support or mainteance of said sub-station.

Section 6.

When act takes effect.

This Act shall take effect and be in force from and after its passage.

Approved Mch 7. 1903

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CHAPTER CXIX.

An Act to Amend Sections 3940, 3943, 3946, and 3947, Part III, Title X, Chapter IX of the Political Code of the State of Montana relating to the collection of taxes on certain personal property.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 3940, 3941, 3943, and 3947 Part III, Title X, Chapter IX of the Political Code of the State of Montana be and the same are hereby amended so as to read as follows:

Section 3940, 3941, 3943, 3947, Part 3, Title 10, Chap. 9, Political Code amended.

Section: 3940. It shall be the duty of the Assessor, upon discovering any personal property in the county, the taxes upon which are not in his opinion a lien upon real property sufficient to secure the payment of such taxes, to immediately make a report to the Treasurer setting forth the nature, amount and assessed valuation of the said such personal property, where the same is located and the name and address of the owner, claimant or other person in possession of the same.

Assessor, duty of.

Report to Treasurer.

Section 3941. The County Treasurer must collect the taxes on all personal property and in the case provided for in the preceding section, it shall be the duty of the Treasurer immediately upon receipt of such report from the Assessor, to notify the person or persons against whom the tax is assessed, that the amount of such tax is due and payable at the County Treasurer's office. At the time of receiving the Assessor's report, or at any time before November 1st, the Treasurer may collect the taxes by seizure and sale of any personal property owned by the person or persons against whom the tax is assessed. The County Treasurer and his sureties are liable on his official bond for all taxes on personal property within the county which through his wilful failure or neglect is uncollected.

County Treasurer to collect personal tax.

Treasurer liable on bond for uncollected taxes.

Section 3943. The Treasurer shall be governed as to the amount of taxes to be collected by him on

Amount of taxes to be collected by Treasurer governed by rate of previous year.

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said personal property by the State and County rate of the previous year. Personal property which was in the State and subject to taxation on the first Monday in March of any year shall be taxable wherever and whenever found in any county in the State, whether the same be owned, claimed or possessed by the person owning, claiming or possessing it on the first day of March or not; provided that in case the same property is assessed in more than one county, the county first making the assessment shall be entitled to collect the taxes.

Treasurer to note taxes collected.

Section 3946. The Treasurer must on or before the first day of December of each year note on the assessment book opposite the name of each person from whom taxes have been collected by him in pursuance of such report of the Assessor the amount of taxes received and the date of the receipt thereof, or in case such taxes have not been collected by him the reason why such collection was not made.

Assessor must note report.

Section 3947. The Assessor must note on the assessment book opposite the names of each person owning, claiming or possessing such personal property which may be so reported by him to the Treasurer, the fact that such report was made to the Treasurer and the date when the same was so made.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect from and after its passage.

Approved March 7, 1903

CHAPTER CXX.

An Act Entitled An Act To Create The Office of meat and milk Inspector for the State of Montana, and prescribing their powers and duties and Compensation Therefor.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Milk Inspector.

Section 1. The office of Meat and Milk Inspector is hereby created in the State of Montana for the Counties of the first, second and third class, and immediately on the passage of this Act, the President and Secretary of the State Board of Health and the State Veterinarian shall appoint a Meat and Milk Inspector for the Counties of the first, second and third class, and when deemed necessary by the President and Secretary of the State Board of Health and the State Veterinarian, or upon the request of one hundred tax payers in the Counties of the fourth, fifth, sixth and seventh classes, they shall then appoint a Meat and Milk Inspector for said Counties of the fourth, fifth, sixth and seventh classes.

Appointment.

Deputy State Veterinarian.

Section 2. Such Meat and Milk Inspectors shall be designated Deputy State Veterinarians, and shall make report at the end of each calendar month to the State Veterinarian of all things pertinent to their office, and shall also make an annual report at the end of the Fiscal year, addressed to the State Veterinarian.

Report.

Salary in counties of first class.

Sub-Division 1: Said Inspectors of the counties of the first class shall receive an annual salary of Two Thousand Dollars ($2000.00);

Salary in counties of second class.

Salary in counties of 3rd class.

Inspectors 4th class, salary of.

Inspectors 5th class, salary of.

Inspectors, 6th & 7th class, salary of.

Inspectors of the second class Counties shall receive One Thousand Five Hundred Dollars ($1500.00) annually; Inspectors of the third class Counties shall receive One Thousand Two Hundred Dollars ($1200.00) annually; Inspectors of the fourth class Counties shall receive One Thousand Dollars ($1,000.00) annually; Inspectors of the fifth class Counties shall receive Seven Hundred and Fifty Dollars ($750.00) annually; and Inspectors of the sixth and seventh class Counties shall receive Six Hundred Dollars ($600.00) annually, to be paid out of the general State fund monthly.

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Qualifications of Inspector.

Sub-Division 2:—No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable Veterinary Medical College, or of some regular and reputable Medical College, or of a Medical Department of a University, and must be registered and admitted to practice in the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduate, and if deemed necessary by the above mentioned Board, he shall pass an examination before said Board upon the specialty of Meat and Milk Inspection.

Diploma.

Examination.

Inspectors

Section 3. All Inspectors appointed by the above mentioned Board shall be under the direct supervision of the State Veterinarian Surgeon, and for cause may be removed at any time by said Board, consisting of the President and Secretary of the State Board of Health and the State Veterinarian.

Removal.

Rules.

Sub-Division 4:—The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry of the United States Government, supplemented by any rules deemed necessary by the aforementioned Board, shall be taken as the standard of Meat Inspection, and shall be followed as closely as may be consistent by said Meat and Milk Inspectors appointed by said Board, provided said Inspectors are hereby empowered to enter any premises or any place whatsoever where animal food products are kept for sale, slaughter houses, markets, stores, or any building or premises of whatsoever character necessary for him to visit in the performance of his duties.

Power of Inspectors.

Powers.

Section 5. The Meat and Milk Inspector appointed by said Board shall have the right to condemn any meat, carcasses, or parts of carcasses, poultry or fish, or parts thereof, or all cattle, sheep, swine, poultry, fish, or any domestic animal, whatsoever, intended for food for human consumption, which is found, after examination, to be unfit for food, and it shall be said

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Inspector's duty to destroy all such contaminated meat or poultry or fish by slashing said meat or muscular tissue, or poultry or fish, or carcass, or parts of carcasses of any domestic animal whatsoever, in numerous places, with a knife, and into such incisions said inspector shall then pour or inject with a suitable syringe sufficient kerosene to taint such meat or food product, and make it impossible to be used for human consumption.

Dealers to register and pay license.

Section 6. Any person, persons, or corporation selling or dealing in fresh meats, fish and poultry, in Counties in which a Meat and Milk Inspector is appointed, shall annually, before the first day of June, register in the books of such Inspector, and shall pay an inspection license to such Meat and Milk Inspector in the sum of Fifteen Dollars ($15.00) per annum, payable quarterly in advance, and each and every wholesale and retail dealer handling, selling or dealing in fresh fish and poultry where fresh meats are not sold or dealt in, shall pay an inspection license to such Meat and Milk Inspector in the sum of Four Dollars ($4.00) per annum, quarterly in advance, and all moneys so collected by said Inspector shall be by him paid into the State Treasury, quarterly, as received, to be turned into the General fund, and receipted therefor by the Treasurer to such Inspector.

Inspection license.

Unlawful to sell diseased animal.

Section 7. It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away, for the purpose of food, any animal suffering from hog cholera, swine plague, charbon or anthrax, rabies, malignant epizootic, catarrh, pyaemia or septicaemia, mange or scab, in advanced stages, actinomycosis, or lump jaw, inflamation of the lungs, the intestines or peritoneum, Texas fever, extensive or generalized tuberculosis, animals in an advanced stage of pregnancy, or which have recently given birth to young, any disease or injury causing an elevation of the temperature or affecting the system of the animal to a degree which

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would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abcess, suppurating sores or tape worm cyst, poultry or fish or other animal food products in a decaying or putrid condition, or poultry suffering from tuberculosis or other general disease, animals too young and immature to produce wholesome food; animals too emaciated and aenaemic to produce wholesome meat, distemper, glanders and farcy, or any other malignant disorder, acute inflamatory lameness and extensive fistula.

Meats bearing stamp or tax of United States Bureau of Animal Industry.

Section 8. Nothing in this Act, or any paragraph thereof, shall be so construed as to interfere with the offerings for sale of any wholesome meats, bearing the stamp or tag indicating that the same has been inspected by the United States Bureau of animal industry, or of any State or County, or municipal Inspector. Provided, however, that if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition, it shall be said Inspector's duty to inspect such meat whenever complaint is made to him relative thereto, or he personally has reason to believe that such conditions exist, and should he find such meat in a putrid, decaying condition, or preserved by chemical preservatives, or in any condition making it unwholesome for human consumption, it shall then be his duty to destroy such meat, as is herein provided.

Proviso.

Duty of Inspector.

Section 9. It shall be the duty of such Meat and Milk Inspector to inspect each dairy supplying milk to the public in his County for human consumption not less than once in every month during the calendar year, and it shall be the duty of such Inspector to issue to each person or persons, or corporation supplying milk to the citizens of such Counties of the State of Montana, a certificate of health every ninety days, which certificate of health shall include a certificate of the sanitary condition of such dairy.

Certificate.

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Unlawful to feed unwholesome food.

Section 10. It shall be unlawful for any person or persons, company or corporation, to feed unwholesome food of whatsoever character to his dairy cows. Each dairyman, person, persons, company or corporation, supplying milk to the public,.must have for each cow, his certificate of health, including the tuberculum test made by said Inspector, stating that each cow is free from tuberculosis or consumption, or any other infectious disease whatsoever.

Certificate of health

Duty of Inspector in relation to milk.

Section 11. Whenever in the observation of the Meat and Milk Inspector, proper cleanliness of vehicles, utensils, pails, pans, or other utensils, used in the accumulating, handling, or marketing of said milk is not up to the proper standard, it shall be the Inspector's duty to prohibit the said person or persons, or corporation from selling said milk, until such time as proper methods of cleanliness and precautions are used in the handling of said milk.

Dairies to be kept clean.

Section 12. All persons or corporations engaged in the dairy business and supplying milk to the citizens of the State of Montana, shall keep their barns or stables free from filth or manure or other substances likely to harbor or favor the growth of disease producing germs therein, or about their stables or barns likely to be carried in, or to contaminate such milk or dairy product.

Duty of resident in regard to infected milk.

Section 13. Any resident of the State of Montana, to whose knowledge or observation comes the fact that any dairyman, person or persons, or corporation, is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse, or any improper food of any character whatsoever, it shall be his duty to at once notify said Inspector of such County, who shall at once visit the premises or place indicated, and if he finds said complaint true, it shall then be said Inspector's duty to at once prohibit the future selling of the product of said dairy, or dealer, or corporation, and to at once file an information against said dairyman, person or persons, corporations or dealer.

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Inspector to keep book of records.

Section 14. Such Inspector shall keep in his book of records kept for the purpose the names and place of business of all persons engaged in the sale of milk and cream within the County, and the Inspector is hereby empowered to enter all places in which milk, cream, or dairy products are stored or offered for sale, and all vehicles used for the conveyance of milk or cream, and may take therefrom samples for analysis.

Sample.

Same.

Sub-Division 1. The Inspector shall, upon request made at the time such sample is taken, take, seal and deliver to the owner or person from whose possession the milk or cream or dairy products are taken, a portion of each sample, and a receipt therefore shall be given.

Sample to be analyzed.

Sub-Division 2. The Inspector shall analyze such sample, or otherwise satisfactorily test the same, and shall record and preserve such record as evidence of the result thereof, but no evidence of the result of such analysis or test shall be received if the Inspector, on request, refuses or neglects to seal and deliver a portion of the sample, taken as aforesaid, to the owner or person from whose possession it is taken.

License of dairymen.

Section 15. Any person, persons, or corporation, in Counties in which a Meat and Milk Inspector is appointed, who conveys milk or cream in vehicles of any character whatsoever, for the purpose of selling it in such Counties, shall annually, before the 1st day of June, be licensed by the Meat and Milk Inspector of said County to sell milk and cream within the limits thereof, and shall pay to such Inspector for each and every vehicle of whatsoever character used in the sale or delivery of such milk or cream or dairy product, the sum of Twelve Dollars ($12.00) per annum, payable quarterly in advance, which sums shall be paid into the State Treasury by such Inspector, quarterly, as received, to be turned into the general fund, and receipted therefor by said Treasurer to said Inspector.

Same.

Sub-Division 1. Licenses shall be issued only in

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the name of the owner of the vehicles, carriages or other conveyances.

Same. Sub-Division 2. Such license shall, for the purposes of this Act, be conclusive evidence of ownership, and shall not be assigned or transferred.

Same. Sub-Division 3. Each license shall contain the number thereof, the name, the residence, the place of business, the number of vehicle used by the person, persons, or corporation, and the name of every driver or other person employed by the owner or owners in carrying, conveying or selling milk or cream.

Vehicles to be numbered. Sub-Division 4. Each person, persons, or corporations shall, before engaging in the sale of milk or cream, or dairy products of any character whatsoever, cause his name and number of his license to be placed legibly on each outer side of all carriages or vehicles or conveyance of whatsoever character used by him in the conveyance for sale of milk or cream.

Dairymen to register. Sub-Division 5. Every person or persons, company or corporation, before selling milk or cream, or offering the same for sale in a store, booth, stand, market place, depot, or any place whatsoever, in a county in which a Meat and Milk Inspector is appointed, shall register in the books of such Inspector his or her name, or the name of the company or corporation, and proposed place of sale.

Dairies with 5 cows or less. Sub-Division 6. Nothing in Section 15, with the exception of Sub-Division five, shall be construed to apply to dairies milking five cows, or less.

Adulterated milk or cream. Section 16. Any person or persons, or servant or agents, or any other person who sells, exchanges, delivers, gives away, or has in his custody or possession, with intent to sell, exchange, or deliver, or give away or expose, or offer for sale or exchange adulterated milk or cream, or milk or cream containing filth or dirt, or milk or cream to which water, boracic acid, salt, salisylic [salicylic] acid, and salisylate [salicylate] of sodium, formaldehyde, formaline, cornstarch, gelatine,

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isen-glass, [isinglass], coloring matter, or any other extraneous substance has been added, or milk produced from cows which have been fed on swill or other improper food, or from sick or diseased cows, or whole milk from which the cream, or a part thereof, has been removed, and whoever sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, deliver or give away, skimmed milk, containing less than nine per cent. of milk solid, exclusive of fat, shall be deemed guilty of a misdemeanor, and shall be punished, as provided in Section 23 of this Act.

Misdemeanor.

Standard of quality.

Section 17. On any prosecution under the provisions of this Act, milk upon which analysis is shown to contain less than twelve per cent of total solids, or less than nine per cent of solids exclusive of fats, or less than three per cent of fat, shall not be considered milk of good standard quality, and cream containing less than fifteen per cent of fat, which shall be the standard of quality for the State of Montana, shall not be considered cream of good standard quality.

Same.

Section 18. It shall be unlawful for any person or persons, company or corporations, by his or their servant or servants, agent or agents, or as the servants or agents of any other person, persons or corporation, to sell or offer for sale, exchange, or deliver, or give away, or have in his or her custody or possession, with intent to sell, exchange or deliver, milk or cream, which is not of good standard quality, as above prescribed.

"Skimmed milk"

Section 19. Any person, persons, or corporation, who, by his or their agent or agents, sells, exchanges, gives away, or delivers, or has in his custody, with intent to sell, exchange or deliver milk, from which the cream or part thereof has been removed, not having the words "Skimmed Milk" distinctly marked on a light ground in plain, dark, uncondensed Gothic letters, at least one inch in length, in a conspicuous

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place upon every receptacle, can or package, from, or in which such milk is contained, or is intended to be sold, exchanged, given away, or delivered, shall be punished, as provided in Section 23 of this Act. Punishment.

Sub-Division 1. If such receptacle, can or package is of capacity of not more than two quarts, the said words may be placed upon a detachable label or tag attached thereto, and said letters may be less than one inch in length. Label or tag.

Sub-Division 2. Any milk found in such receptacles, vessels or cans, containing more than one per cent of butter fat, shall not be considered, within the meaning of this Act, "Skimmed Milk." What is not skimmed milk.

Section 20. It shall be unlawful for any person or persons, company or corporation, to cause, to make, or cause to be made, or use or have in his or her, or their possession, an imitation or counter-feit of a seal used by the Meat and Milk Inspector in the inspection of milk or cream, or to change, or tamper with the samples taken or sealed by the said Inspector. Counterfeit seal

Sub-Division 1. It shall be unlawful for any Meat or Milk Inspector, his servant or agent, to wilfully obstruct or assist in the violation of the provisions of this Act, or whoever hinders, obstructs or interferes with the Meat and Milk Inspector, or his servant or agent, in the performance of his duty, shall be guilty of a misdemeanor. Interference with Inspector. Misdemeanor.

Sub-Division 2. The Inspector shall prohibit the sale of milk by any person, persons, company,or corporation supplying milk or cream or dairy products from cows that are permitted to drink contaminated or unwholesome water, of any character whatsoever. Sale prohibited.

Section 21. The President and Secretary of the State Board of Health and the State Veterinarian, are hereby empowered to establish any further rules and regulations necessary for the efficient management and carrying out of said inspection, and the regulations of the Inspectors themselves. Rules.

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Appropriation.

Section 22. There is hereby appropriated the sum of One Thousand Dollars ($1,000.00) for the purpose of buying such chemical and other apparatus as may be absolutely necessary for the purpose of each Inspector in the chemical examination of meat and milk, together with buying and supplying such inspectors with the necessary record books, tags, labels, brands or marks, designated by the State Veterinarian, to be paid for on approval of said Board out of the said funds. Said apparatus shall be purchased by the President and Secretary of the State Board of Health and State Veterinarian, and be supplied to each County Meat and Milk Inspector, provided, that no money shall be paid out of this fund, except on the approval of said Board, and for the purposes above mentioned.

Violation of act, penalty for.

Section 23. Any person or persons, company or corporation, who violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not less than Five Dollars ($5.00), nor more than Three Hundred Dollars ($300.00), or imprisonment in the County Jail not less than ten, or more than ninety days, for each separate offense, or by both such fine and imprisonment. and the continuance of such offense for any day shall be deemed a separate offense.

Oath & Bond.

Section 24. Immediately after the appointment, and before taking office, each Inspector shall file with the Secretary of the State an oath of office, subscribed to by him, and a bond for a sum equal to his annual salary, for the faithful performance of his duty. Said bond shall be furnished with good and sufficient sureties, and be approved by the Secretary of State.

Repealing clause.

Section 25. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 26. This Act shall take effect and be in force from and after its passage.

Approved Mch 7, 1903

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CHAPTER CXXI.

An Act to establish a law uniform with the laws of other states relating to Negotiable Instruments.

Be it Enacted by the Legislative Assembly of the State of Montana:

Title I.

Negotiable Instruments in General.

Article I.

Form and Interpretation.

Requirements of negotiable instrument

Section 1. An instrument to be negotiable must conform to the following requirements:

1. It must be in writing and signed by the maker or drawer;

2. Must contain an unconditional promise or order to pay a sum certain in money;

3. Must be payable on demand, or at a fixed or determined future time;

4. Must be payable to order or to bearer; and

5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

Sum certain, what is.

Section 2. The sum payable is a sum certain within the meaning of this act, although it is to be paid:—

1. With interest; or

2. By stated instalments; or

3. By stated instalments, with a provision that upon default in payment of any instalment or of interest, the whole shall become due; or

4. With exchange, whether at a fixed rate or at the current rate; or

5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

Unqualified order or promise to pay is unconditional, when.

Section 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with:—

1. An indication of a particular fund out of which

reimbursement is to be made, or a particular account to be debited with the amount; or

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

Instrument payable at determinable future time, when.

Section 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable:—

1. At a fixed period after date or sight; or

2. On or before a fixed or determinable future time specified therein; or

3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Instrument with an order or promise to do an act in addition to payment of money, not negotiable.

When negotiable character of instrument not affected.

Section 5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:—

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

2. Authorizes a confession of judgment if the instrument be not paid at maturity; or

3. Waives the benefit of any law intended for the advantage or protection of the obligor; or

4. Gives the holder an election to require something to be done in lieu of payment of money.

Illegal provision

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Validity and negotiability not affected, by what.

Section 6. The validity and negotiable character of an instrument are not affected by the fact that:—

1. It is not dated; or

2. Does not specify the value given, or that any value has been given therefor; or

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3. Does not specify the place where it is drawn or the place where it is payable; or

4. Bears a seal; or

5. Designates a particular kind of currrent money in which payment is to be made.

Statute requiring nature of consideration to be stated not affected.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

When payable on demand.

Section 7. An instrument is payable on demand:—

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or

2. In which no time for payment is expressed.

Instrument issued, accepted or endorsed when overdue payable on demand.

Where an instrument is issued, accepted, or indorsed and overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

When payable to order.

Section 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer, or drawee; or

2. The drawer or maker; or

3. The drawee; or

4. Two or more payees jointly; or

5. One or some of several payees; or

6. The holder of an office for the time being.

Payee to be named or indicated with reasonable certainty.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

When payable to bearer.

Section 9. The instrument is payable to bearer:

1. When it is expressed to be so payable; or

2. When it is payable to a person named therein or bearer; or

3. When it is payable to the order of a ficticious or non-existing person, and such fact was known to the person making it so payable; or

4. When the name of the payee does not purport to be the name of any person; or

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5. When the only or last indorsement is an indorsement in blank.

Instrument need not follow language of act.

Section 10. The instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

Date of instrument deemed prima facie true date.

Section 11. Where the instrument or an acceptance of any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance, or indorsement as the case may be.

Instrument not invalid if innocently post dated

Section 12. The instrument is not invalid for the reason only that it is antedated or postdated, provided this is not done for an illegal or fraulent purpose.

Title acquired as of date of delivery.

The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

Holder may insert true date in undated instrument.

Section 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

Insertion of wrong date does not avoid instrument in hands of holder in due course. It is to be regarded as true date.

Holder may complete instrument by filling up blanks.

Section 14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reason-

Signature.

Must be filled up in accordance with authority and within reasonable time.

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able time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

After completion if negotiated to holder in due course is valid and effectual for all purposes.

Section 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

Incomplete undelivered instrument, completed and negotiated without authority invalid.

Section 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party, other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Delivery essential.

Delivery to be effectual must be made by or under the authority of maker, drawer, acceptor, endorser.

Delivery may be shown to be conditional or for special purpose.

Valid delivery presumed when instrument in hands of holder in due course.

Delivery presumed when instrument not in hands of party whose signature appears thereon

Section 17. Where the language of the instrument is ambiguous or there are omissions therein, the following rules of construction apply:

Omissions or ambiguities.

Rules of construction.

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount;

2. Where the instrument provides for the payment of interest, without specifying the date from which

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interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election;

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

7. Where an instrument contains the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Person not liable on instrument whose signature does not appear thereon.

Trade name.

Section 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Signature by agent.

Authority of agent may be established as in other cases.

Section 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

Person not liable on instrument if instrument contains words indicating that he signed in representative capacity.

Mere description without disclosing principal does not exempt from personal liability.

Section 20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

Signature by "Procuration."

Section 21. A signature by "procuration" operates as a notice that the agent has but a limited authority to sign, and the principal is bound only in case the

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agent in so signing acted within the actual limits of his authority.

Indorsement or assignment by incapacitated corporation or infant

Section 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Forged signature wholly inoperative.

Section 23. When a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

Estoppel.

ARTICLE II.

Consideration.

Valuable consideration presumed.

Signature of person or instrument presumed a party thereto for value.

Section 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

Value, what is.

Antecedent, or pre-existing debt.

Section 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

Holder deemed holder for value, when.

Section 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

Same

Section 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Absence or failure of consideration a defense.

Partial failure of consideration

Section 28. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is

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a defense protanto, whether the failure is an ascertained and liquidated amount or otherwise.

Accommodation party, who is.

Section 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person.

Liability of accommodation party.

Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

ARTICLE III.

Negotiation.

When negotiated.

Section 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof.

Delivery.

If payable to bearer it is negotiated by delivery; if

Indorsement.

payable to order it is negotiated by the indorsement of the holder completed by delivery.

Indorsement, how made.

Section 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Indorsement must be of entire instrument.

Section 32. The indorsement must be an indorsement of the entire instrument. An indorsement, which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer

What does not amount to negotiation.

the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument.

Indorsement as to residue.

But where the instrument has been paid in part, it may be indorsed as to the residue.

What indorsement may be.

Section 33. An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional.

Special indorsement, what is.

Section 34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument.

Blank indorsement, what is.

An indorsement in blank specifies no indorsee,

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and an instrument so endorsed is payable to bearer, and may be negotiated by delivery.

Blank indorsement converted into special indorsement, how.

Section 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

Restrictive indorsement.

Section 36. An indorsement is restrictive, which either,—

1. Prohibits the future negotiation of the instrument; or

2. Constitutes the indorsee the agent of the indorser; or

3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

What rights conferred by restrictive endorsement.

Section 37. A restrictive indorsement confers upon the indorsee the right,—

1. To receive payment of the instrument;

2. To bring any action thereon that the indorser could bring;

3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

Qualified endorsement constitutes endorser mere assignor of title.

Section 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

Conditional endorsement.

Section 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

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Special endorsement.

Section 40. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

All payees must endorse, when.

Section 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

Instrument drawn or endorsed to "Cashier."

Section 42. Where an instrument is drawn or indorsed to a person as "Cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

Name of payee or indorsee wrongly designated or misspelled.

Section 43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he thinks fit, his proper signature.

Person may indorse in terms to negative personal liability.

Section 44. Where a person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

When every negotiation deemed prima facie to have been effected before instrument was overdue.

Section 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue.

Indorsement presumed to have been made where instrument dated

Section 46. Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

Instrument negotiable in its origin, negotiable until restrictively endorsed or paid.

Section 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Striking out endorsement.

Section 48. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are hereby relieved from liability on the instrument.

Effect of striking out endorsement.

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Transfer for value without indorsement, effect of.

Section 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

Negotiation back to prior party.

Section 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

ARTICLE IV.

Rights of the Holder.

Holder may sue in his own name.

Payment in due course discharges instrument.

Section 51. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

Who is holder in due course.

Section 52. A holder in due course is a holder who has taken the instrument under the following conditions:—

Conditions.

1. That it is complete and regular upon its face;

2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;

3. That he took it in good faith and for value;

4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

Holder of instrument payable on demand negotiated unreasonable time after issue not deemed holder in due course.

Section 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

Transferee with notice of infirmity, rights of.

Section 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid

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the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

Title of person negotiating instrument defective, when.

Section 55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration , or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

What constitutes notice of infirmity.

Section 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

When holder in due course holds instrument free from defect of title.

Section 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

Defenses of holder.

Section 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defense as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Rights of subsequent holder.

Holder deemed prima facie holder in due course.

Section 59. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

Burden on holder to show that he obtained instrument in due course.

Exception to rule.

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ARTICLE V.

Liabilities of Parties.

Engagement of maker.

Section 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

What drawer admits.

What drawer engages.

Section 61. The drawer by drawing this instrument admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negativing or limiting his own liability to the holder.

Drawer may limit liability.

Engagement of acceptor.

Section 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits,—

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

2. The existence of the payee and his then capacity to indorse.

Who deemed endorser.

Section 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor, is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

When person liable as endorser.

Section 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser, in accordance with the following rules:—

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the

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maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

What person negotiating instrument by delivery or by qualified endorsement warrants.

Section 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants,—

1. That the instrument is genuine and in all respects what it purports to be;

2. That he has a good title to it;

3. That all prior parties had capacity to contract;

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporation securities, other than bills and notes.

What endorser without qualification warrants.

Section 66. Every indorser who indorses without qualification warrants to all subsequent holders in due course:

1. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and

2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

Liability of endorser who endorses instrument negotiable by delivery.

Section 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

Endorsers, liable in what order.

Section 68. As respects one another, indorsers are liable prima facie in the order in which they indorse;

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but evidence is admissable to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

Evidence of agreement among endorsers.
Joint payees or endorsers deemed to endorse jointly and severally.

Section 69. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section sixty-five of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

Liability of broker or agent negotiating instrument without indorsement.

ARTICLE VI.

Presentment for Payment.

When presentment for payment not necessary.

Section 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

When presentment must be made.

Section 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient, if made within a reasonable time after the last negotiation thereof.

Presentment, when sufficient.

Section 72. Presentment for payment, to be sufficient, must be made:—

1. By the holder, or by some person authorized to receive payment on his behalf;

2. At a reasonable hour on a business day;

3. At a proper place as herein defined;

4. To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

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Presentment at proper place, when.

Section 73. Presentment for payment is made at the proper place:—

1. Where a place of payment is specified in the instrument and it is there presented;

2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;

3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;

4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

On demand for payment instrument must be exhibited and delivered upon payment.

Section 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

Instrument payable at Bank, where and when to be presented.

Section 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

Person primarily liable on instrument dead presentment to be made to personal representative.

Section 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if, with the exercise of reasonable diligence, he can be found.

Persons liable as partners and no place of payment specified, presentment may be made to either one even though there has been a dissolution.

Section 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Presentment must be made to all persons, not partners.

Section 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

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Presentment not required to charge drawer who has no right to expect or require same.

Section 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

When presentment not required to charge endorser.

Section 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation and he has no reason to expect that the instrument will be paid if presented.

When delay in presentment is excused.

Section 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

Presentment to be made with reasonable diligence.

Presentment dispensed with, when.

Section 82. Presentment for payment is dispensed with:—

1. Where after the exercise of reasonable diligence presentment as required by this act cannot be made;

2. Where the drawee is a ficticious person;

3. By waiver of presentment, express or implied.

Instrument dishonored by non-payment, when.

Section 83. The instrument is dishonored by non-payment when,—

1. It is duly presented for payment and payment is refused or cannot be obtained; or

2. Presentment is excused and the instrument is overdue and unpaid.

When right of recourse to parties secondarily liable accrues to holder.

Section 84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

Payable without grace.

Section 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for pay-

Maturity on Sunday.

Maturity on Saturday.

Payable on demand.

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ment before twelve o'clock noon on Saturday when that entire day is not a holiday.

Computation of time.

Section 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

Instrument payable at Bank equivalent to order on Bank.

Section 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

When payment is made in due course.

Section 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

ARTICLE VII.

Notice of Dishonor.

Nature of dishonor.

Section 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

Person without notice discharged.

By whom notice given.

Section 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it, to the holder, and who, upon taking it up would have a right to reimbursement from the party to whom the notice is given.

Notice by agent.

Section 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

Notice given by or on behalf of holder, enures for benefit of whom.

Section 92. Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

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Same.

Section 93. Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

Instrument dishonored in hands of agent, to whom to give notice.

Section 94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice himself the same time for giving notice as if the agent had been an independent holder.

Time of giving notice.

Sufficiency of notice.

Section 95. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Misdescription in notice.

How notice may be given.

Section 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently indentify [identify] the instrument, and indicate that it has been dishonored by non-acceptance or non-payment: It may in all cases be given by delivering it personally or through the mails.

Notice to whom given.

Section 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

Notice, in case party is dead.

Section 98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

Notice to partners.

Section 99. Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution.

Notice to joint parties, not partners.

Section 100. Notice to joint parties who are not partners must be given to each of them, unless one of

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them has authority to receive such notice for the others.

Notice to bankrupt or insolvent.

Section 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

When notice must be given.

Section 102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

Persons residing in same place, time of giving notice.

Section 103. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:—

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

2. If given at his residence, it must be given before the usual hours of rest on the day following.

3. If sent by mail, it must be deposited in the post-office in time to reach him in usual course on the day following.

Persons residing in different places, time for giving notice.

Section 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:—

1. If sent by mail, it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the post-office, then within [the] time that notice would have been received in due course of mail, if it had been deposited in the post-office within the time specified in the last subdivision.

Notice by mail.

Section 105. Where notice of dishonor is duly addressed and deposited in the post-office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

When notice deemed deposited in Post Office.

Section 106. Notice is deemed to have been deposited in the post-office when deposited in any branch

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post-office or in any letter box under the control of the post-office department.

Time for giving notice to antecedent parties.

Section 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

Address added to signature must be followed.

No address given, how notice sent.

Section 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:—

1. Either to the post-office nearest to his place of residence, or to the post-office where he is accustomed to receive his letters; or

2. If he live in one place, and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place, notice may be sent to the place where he is so sojourning.

Actual notice received.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

Waiver of dishonor.

Section 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

Position of waiver in instrument.

Section 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

Waiver of protest deemed waiver of presentment and notice.

Section 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a former protest, but also of presentment and notice of dishonor.

When notice dispensed with

Section 112. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

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Excuse for delay.

Section 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, mis-conduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

When notice not required to be given.

Section 114. Notice of dishonor is not required to be given to the drawer in either of the following cases:—

1. Where the drawer and drawee are the same person;

2. When the drawee is a ficticious person or a person not having capacity to contract;

3. When the drawer is the person to whom the instrument is presented for payment;

4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;

5. Where the drawer has countermanded payment.

When notice not required to be given endorser.

Section 115. Notice of dishonor is not required to be given to an indorser in either of the following cases:—

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;

2. Where the indorser is the person to whom the instrument is presented for payment;

3. Where the instrument was made or accepted for his accommodation.

Due notice once given.

Section 116. Where due notice of dishonor by non-acceptance has been given notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

Omission to give notice.

Section 117. An omission to give notice of dishonor by non-acceptance does not prejudice the right of a holder in due course subsequent to the omission.

Protest.

Section 118. Where any negotiable instrument has been dishonored it may be protested for non-accept-

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ance or non-payment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

ARTICLE VIII.

Discharge of Negotiable Instruments.

How negotiable instrument discharged.

Section 119. A negotiable instrument is discharged:—

1. By payment in due course by or on behalf of the principal debtor;

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;

3. By the intentional cancellation thereof by the holder;

4. By any other act which will discharge a simple contract for the payment of money;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

Person secondarily liable discharged, how.

Section 120. A person secondarily liable on the instrument is discharged:—

1. By any act which discharges the instrument;

2. By the intentional cancellation of his signature by the holder;

3. By the discharge of a prior party;

4. By a valid tender of payment made by a prior party;

5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;

6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

When payment does not discharge.

Section 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged;

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but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except;—

1. Where it is payable to the order of a third person, and has been paid by the drawer; and

2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

Renunciation of rights by holder against party.

Section 122. The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity, An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not effect the right of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Renunciation to be in writing, unless instrument delivered up.

Unintentional cancellation, effect of.

Section 123. A cancellation made unintentionally, or under a mistake or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation is made unintentionally, or under a mistake or without authority.

Material alteration, effect of.

Section 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

What is material alteration.

Section 125. Any alteration which changes,—

1. The date;

2. The sum payable, either for principal or interest;

3. The time or place of payment;

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4. The number or the relations of the parties;

5. The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

TITLE II.

Bill of Exchange.

ARTICLE I.

Form and Interpretation.

Bill of Exchange, what is

Section 126. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Bill does not operate of itself as assignment of funds.

Section 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

How bill may be addressed.

Section 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

What is Inland Bill.

Section 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

Foreign Bill

When Bill may be treated as promissory note.

Section 130. Wherein a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Section 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the

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Drawer or endorser may insert name of person to whom holder may resort in case of need.

Referee in case of need.

holder may resort in case of need, that is to say in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

ARTICLE II.

Acceptance.

Acceptance, what is.

Acceptance must be in writing.

What must not express.

Section 132. The acceptance of a bill is signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

What holder presenting bill for acceptance may require; upon refusal may treat bill as dishonored.

Section 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and, if such request is refused, may treat the bill as dishonored.

Acceptance written on paper other than bill, effect of.

Section 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Unconditional promise to accept, what deemed.

Section 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

Drawer allowed 24 hours to decide whether or not to accept.

Section 136. The drawee is allowed twenty-four hours after presentment, in which to decide whether or not he will accept the bill; but the acceptance if given, dates as of the day of presentation.

Destruction of bill or refusal to accept within 24 hours by drawee deemed to have accepted.

Section 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

May be accepted when.

Section 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incom-

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plete, or when it is overdue or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

General acceptance.

Section 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

Qualified acceptance.

What is general acceptance.

Section 140. An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

What is a qualified acceptance.

Section 141. An acceptance is qualified, which is:—

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

3. Local, that is to say, an acceptance to pay only at a particular place;

4. Qualified as to time;

5. The acceptance of some one or more of the drawees, but not of all.

Holder may refuse to take qualified acceptance.

Section 142. The holder may refuse to take a qualified acceptance and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance he must, within a reasonable time, express his dissent to the holder, or he will be deemed to have assented thereto.

Drawers and endorsers discharged, when.

Drawer to express dissent, when.

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ARTICLE III.

Presentment for Acceptance.

Presentment must be made, when.

Section 143. Presentment for acceptance must be made:—

1. Where the bill is payable after sight, or in any other case, where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

2. Where the bill expressly stipulates that it shall be presented for acceptance; or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Holder must present bill within reasonable time. Failing to do so drawer and endorsers are discharged.

Section 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fails to do so, the drawer and all indorsers are discharged.

Time of presentment.

Section 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour on a business day and before the bill is overdue, to the drawer or some person authorized to accept or refuse acceptance on his behalf; and:

Presentment to persons not partners.

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

When drawee is dead.

2. Where the drawee is dead, presentment may be made to his personal representative;

Where drawee is bankrupt or insolvent.

3. Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

On what day bill may be presented.

Section 146. A bill may be presented for acceptance on any day on which negotiable instruments

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may be presented for payment under the provisions of sections seventy-two and eighty-five of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock, noon, on that day.

Delay in presenting bill.

Section 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

Presentment excused, when.

Section 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases:—

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill.

2. Where, after the exercise of reasonable diligence, presentment cannot be made.

3. Where, although presentment has been irregular, acceptance has been refused on some other ground

Bill dishonored by nonacceptance, when.

Section 149. A bill is dishonored by non-acceptance,—

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained: or

2. When presentment for acceptance is excused and the bill is not accepted.

Person presenting bill not accepted must treat bill as dishonored, when.

Section 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers.

Right of recourse accrues to holder of dishonored bill, when.

Section 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary.

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ARTICLE IV.

Protest.

Protest.

Section 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

If not protested drawers and indorsers discharged.

Foreign Bill.

Protest to be annexed to bill, under hand and seal of notary and what to specify.

Section 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify:—

1. The time and place of presentment;

2. The fact that presentment was made and the manner thereof;

3. The cause or reason for protesting the bill;

4. The demand made and the answer given, if any, or the fact that the the drawee or acceptor could not be found.

Who may make protest.

Section 154. Protest may be made by,—

1. A notary public; or

2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

Protest made on day of dishonor unless excused.

Section 155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Place of protest.

Section 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-pay-

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ment at the place where it is expressed to be payable and no further presentment for payment to, or demand on, the drawee is necessary.

Bill protested for nonacceptance may be protested for nonpayment.

Section 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

Protest in case of bankruptcy or insolvency.

Section 158. Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

When protest dispensed with

When delay excused.

Section 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

Protest may be made on copy or written particulars, when.

Section 160. When a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ARTICLE V.

Acceptance for Honor.

Acceptance for honor.

Section 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security, and is not overdue, any person not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon, or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

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Acceptance for honor must be in writing.

Section 162. An acceptance for honor supra protest must be in writing, and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

Indefinite acceptance, what deemed.

Section 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

Liability of acceptor for honor.

Section 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

What acceptor for honor engages.

Section 165. The acceptor for honor, by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

Maturity of bill accepted for honor, how determined.

Section 166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

When dishonored bill accepted for honor or contains reference in case of need it must be protested.

Section 167. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

Presentment to acceptor for honor, how made.

Section 168. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section one hundred and four.

Section 81 applies in case of delay in making presentment to acceptor for honor or referee in need.

Section 169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

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Bill dishonored by acceptor for honor must be protested.

Section 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

ARTICLE VI.

Payment for Honor.

Any person may intervene and pay dishonored bill for the honor of person liable.

Section 171. Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

Attestation by notarial act of honor.

Section 172. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

Notarial act of honor, on what founded.

Section 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Offer of two or more persons to pay bill for honor, which one preferred.

Section 174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

Subsequent parties discharged.

Payor for honor subrogated.

Section 175. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds, to both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Holder of bill refusing to receive payment supra protest lose rights.

Section 176. Where the holder of a bill refuses to receive payment supra protest, he loses his right of recourse against any party who would have been discharged by such payment.

Payer for honor paying bill and expenses entitled to receive bill and protest.

Section 177. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

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ARTICLE VII.

Bills in a set.

Bills in a set.

Section 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitutes one bill.

Where part of set are negotiated to different holders in due course, who is true owner.

Section 179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

Liability of indorsers to different persons.

Section 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Where acceptance may be written.

Section 181. The acceptance may be written on any part and it must be written on one part only. If the draweee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Liability of acceptor of bill

Section 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Discharge.

Section 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

TITLE III.

Promissory Notes and Checks.

ARTICLE I.

Negotiable promissory note, what is.

Section 184. A negotiable promissory note within the meaning of this act is an unconditional promise

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in writing made by one person to another signed by the maker engaging to pay on demand, or at fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

Note drawn to maker's own order, when complete.

Section 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

Check, what is.

Section 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

Time of presentment of check.

Section 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

Certification of check equivalent to acceptance.

Section 188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

Effect of certification of check as to drawer and endorsers.

Section 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

Check of itself does not operate as assignment of funds.

TITLE IV.

General Provisions.

ARTICLE I.

Section 190. This act shall be known as the Negotiable Instruments Law.

Designation of act.

Section 191. In this act, unless the context otherwise requires,—

Meaning of words in act.

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter-claim and set-off.

"Bank" includes any person or association of per-

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sons carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promisssory note.

"Delivery" means transfer of possession, actual or constructive, from one person to another.

"Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

Meaning of "Primarily liable."

Section 192. The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are "secondary" liable.

Rules for determining what is "reasonable time" or "unreasonable time."

Section 193. In determining what is a "reasonable time" or an "unreasonable time" regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments and the facts of the particular case.

When act to be done falls on Sunday or holiday, act is to be done on next business day.

Section 194. Where the day, or the last day for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Act not to apply to instruments made or delivered before its passage.

Section 195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage hereof.

When rules of law merchant to govern.

Section 196. In any case not provided for in this act the rules of the law merchant shall govern.

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Section 197. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 198. This act shall be in force from and after its approval by the Governor. When act takes effect.

Approved March 7. 1903

CHAPTER CXXII.

An Act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the Public Schools of Montana; to regulate the price of same; define the duties and powers of the said Commission, and appropriating a sum of money named therein for the Expenses of said Commission.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

The Governor is hereby authorized to nominate and appoint a state text-book commission consisting of seven members four of whom shall be persons actively engaged in the common public school work of the state at the time of their appointment. Two of said commissioners shall hold office for a period of two years each and five shall hold office for a period of four years each. If vacancies occur during the terms of said officers by death, resignation or removal the Governor shall make appointments in such manner as to maintain the said number of persons actively engaged in the common public school work of the state. State Text Book Commission. Vacancies.

Section 2.

The Commission at its first meeting shall organize by taking the constitutional oath of office, which oath shall be filed in the office of the Secretary of State, and electing from among its members, a president and secretary, formulating rules from its government. Five members shall constitute a quorum for Organization. Oath. Rules. Quorum.

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the transaction of all business. All votes cast for or against the adoption of any text book shall be recorded in the minutes of the Commisssion, together with the name or names of those voting for or against such adoption; Provided, that all meetings shall be open to the public and that said Commission must make a full report to the Governor not later than the first Monday in November next preceding any regular or special meeeting of the Legislature.

Meetings public.

Report.

Section 3.

Meeetings.

The State Text Book Commission shall meet in the State Capitol in the City of Helena, on the third Monday in June, 1903, and the President of said Commission is authorized to call a meeting thereof on the first Monday of October next preceding the sessions of the Legislature, if in his opinion, there shall be business of importance to transact, and must also on ten days notice to the members to be given by the Secretary, call a meeting of the Commission at any time to receive proposals and to enter into contracts with publishers for supplying text books whenever new contracts shall become necessary by reason of the contracts for certain books theretofore entered into becoming terminated by recission or otherwise ceasing to be in full force and effect, and to approve additional books whenever it is deemed for the best interests of the schools of the State. At the meeting held on the third Monday in June, 1903, the Commission shall adopt a uniform series of text books for use in all the public schools of the State and shall approve books which may be used in district which furnish free text books. Said Commission may adjourn from day to day until it shall have made such adoption and approval, provided the sessions shall not continue beyond six actual days, and nothing herein contained shall be so construed as to have any reference to Section 2000 of the Political Code relating to school libraries, but said section shall remain in full force and effect.

Contracts.

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Section 4.

Notice of meeting.

Immediately upon approval of this Act, the Superintendent of Public Instruction, shall advertise for thirty days in two daily newspapers in this State, giving notice that the Text-book Commission will meet, as herein aforesaid and that they will receive sealed proposals up to twelve o'clock, noon, of said third Monday in June, for supplying the State of Montana with a series of text-books for use in all the public schools of said State, for a period of four years, from and after the first day of September A. D. 1903, in the following branches, viz: Spelling, Reading, Supplementary Reading, Writing, Arithmetic, Geography, Grammar, Physiology, and Hygiene, Civil Government, History of the United States, and in all other branches taught in the graded and common schools of the State and will also approve other text-books which may be used as in this Act provided for. Said sealed proposals shall be addressed to the Chairman of the State Text-Book Commission, Helena, Montana, and shall be indorsed "Sealed proposals for supplying text-books for use in the State of Montana." Said proposals shall state the net wholesale prices at which the publishers whose books may be adopted by the Text-Book Commission, will agree to deliver the same in the City of Chicago, Illinois, F. O. B. to merchants in Montana, or to school districts purchasing the same. They shall also state the exchange prices for new books adopted in exchange for the old books in the hands of the pupils, and for new books in hands of districts or dealers; which may be displaced, grade for grade, and shall further state the retail prices at which they will keep all the text-books so adopted on sale uniformly in at least one place in each county throughout the State. Whenever any contract shall be terminated by recission, or shall otherwise cease to be in force and effect, the text-book Commission shall advertise for proposals to furnish text-books on the

Proposals for Books.

Branches.

Proposals.

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same subjects as those embraced within such contract for the same length of time and bids shall be received in the same manner as hereinbefore provided. The publishers, contracting and agreeing to supply books for use in the State of Montana under the provisions of this Act, shall cause to be prepared a special map and special supplement descriptive of Montana for the Geography adopted by said Commission. They shall also cause to be prepared a special supplement for Montana for the Civil Government adopted, which supplement shall contain not less than thirty pages. They shall further agree to maintain the mechanical excellence of the books adopted by said Commission, fully equal to the samples submitted, in binding, printing, quality of paper, and other essentials [essential] features, and the books shall be of the latest revised editions. The map and special descriptive Geography of Montana shall be revised every four years by the publishers.

Map and supplemental description of Montana.

Section 5.

Sealed proposals opened.

It shall be the duty of said Text-Book Commission to meet at the time and place mentioned in said notice and open sealed proposals in the presence of a quorum of said Commission and in public, to select and adopt such text-books for use in the public schools and to approve such additional books as in their opinion will best subserve the educational interests of the State. The series of text-books so selected and adopted and approved by said Text-Books Commission shall be certified to by the Chairman and Secretary and said certificate with a copy of all the books named therein shall be placed on file in the office of the Superintendent of Public Instruction. Such certificate must contain a complete list of all the books adopted and approved by said Commission, giving the wholesale, retail and exchange prices for which each kind and grade will be furnished, as provided in the preceding section and the name of the publishers agreeing to furnish the same. The said

Select text books.

Certificate of books selected.

Prices.

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books named in said certificate shall for a period of four years from and after the first day of September, 1903, be used in all the public schools of the State to the exclusion of all others. Provided, that nothing in any part of this Act, shall be so construed as to prevent the purchaser or use by any person or district of any supplementary or reference book for use in any of the schools of the State. Proviso.

Section 6.

The said Text-Book Commission shall have power to make such contracts and agreements for the use and supply of Text-Books in the name of the State, as they shall deem necessary for the best interests of the public schools of the State, and shall require of all publishers contracting and agreeing to furnish books adopted by the said Text-Book Commission bonds equal in amount to one-half the value of the books to be furnished, conditioned that upon the failure on the part of such publishers to comply with the terms of such contracts or any part thereof, in any County of the State, upon notice being given as provided for herein, said bonds, may, by the Governor of the State of Montana, be declared forfeited, and actions being brought in the name of the State upon such bonds to recover the full amount named therein which amount shall be deemed to be fixed and liquidated damages for the breach of such contracts; Provided, that the Text-Book Commission may at their discretion, reject any and all proposals if it be deemed by them to be to the interests of the State so to do and they shall advertise for new proposals, stating the time when such new proposals will be received by them, not later however, than thirty days from the rejection of the first proposals; Provided, further, that the contract price of such books shall not exceed the lowest wholesale price charged for the same books in Chicago, F. O. B. to any state in the United States. Powers of Commission. Bond. Proviso. May reject proposals. Proviso.

Section 7.

The contract with the publishers shall take effect

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Contract with publishers takes effect when bond filed.

only when the publishers of the books adopted by the said Text-Book Commission shall have filed with the Secretary of State, their bond, with at least two sufficient sureties, to be approved by the Governor in such sum as shall be determined by said Text-Book Commission, conditioned, that they shall comply with the terms of their proposal to the State and such further conditions as may be agreed upon between said Text-Book Commission and the publishers contracting with the State.

Section 8.

Failure to file bond.

In case the publishers of the books adopted by the said Text-Book Commission, shall not on or before the first day of July, A. D. 1903, have filed with the Secretary of State their bond as hereinbefore provided, or in case they shall not on or before the first day of July, A. D. 1903, have performed all the obligations of their contracts with respect to the exchange and introduction of books, and the preparation and supply of the special maps, and the special descriptive matter for the geography so adopted, or the special supplement for the Civil Government, or in case they shall at any time thereafter violate or fail to perform any of the conditions specified in their bond as hereinbefore provided and shall fail within reasonable time after due notice has been given by the Governor to make good their guarantee in any respect in which they may have failed, then this adoption shall become null and void. The said Text-Books adopted by the said Text-Book Commission under this Act and upon compliance of the publishers of the conditions aforesaid shall continue in use for the period of four years from the first day of September, 1903, to the exclusion of all others except as herein otherwise provided.

Books adopted to be used for 4 years.

Section 9.

Duty of State Superintendent of Schools.

Whenever the publishers of the books adopted under the provisions of this bill shall have failed [filed] their

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bonds as herein before provided, it shall be the duty of the State Superintendent of Public Instruction to cause all prices of the text-books as guaranteed by the publishers to be properly printed and distributed through the County Superintendents to the trustees of all school districts in the State who shall cause the same to be kept constantly posted in a conspicuous place in each school room in their district and it shall be the duty of the several county superintendents to keep themselves informed as to whether such prices are actually maintained by the said publishers, and at once notify the Superintendent of Public Instruction of any violation of the contracts entered into by virtue of the authority contained in this Act, which may come to their knowledge, and it shall be the duty of the Superintendent of Public Instruction to promptly communicate such information to the Governor.

Duty of Trustees.

Duty of County Superintendents.

Section 10.

Any school officer, teacher or trustee, who shall use or provide for the use in the public schools of the State text-books other than those adopted or approved by the said Text-Book Commission, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty five dollars nor more than one hundred dollars.

Use of books not adopted, penalty for.

Section 11.

All county superintendents and all school officers are charged with execution of this law and the county school superintendent shall require the trustees of the several school districts or the clerks thereof, to report annually whether or not the authorized text-books are used in their schools.

Reports.

Section 12.

Upon the petition of five legal voters of any school district other than in incorporated cities, and upon petition of one hundred legal voters in incorporated cities, town and villages, filed with the Board of

Petition for or against free text books.

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Trustees or Board of Education, it shall be the duty of the Board of Education or the school trustees as the case may be, to notify the voters of such school district that an election "for" or "Against" free text-books will be held at the next ensuing election for members of the Board of Education or school trustees, and the ballots to such effect shall be received and canvassed at such election and if a majority of all the votes cast in the district shall be found to be in favor of free text-books it shall be the duty of the trustees or Board of Education as the case may be, to purchase at the expense of such district all the text-books required for use of all the pupils attending school in such school district; and said text-books shall be loaned to the pupils of said public schools, free of charge, subject to such rules and regulations as to care and custody as the Board of Education or school trustees shall prescribe: Provided, that the pupils may purchase at cost any of the text-books so furnished, when desired by them. Provided, that the question of free text books shall be submitted to a vote in every school district in the State that the regular election held on the first Saturday of April, 1903, without petition as hereinbefore provided for, and the notice of such election must, in addition to the other matters required by law, contain a statement of the fact that the question of free text-books will be voted upon at such election.

Canvass.

Purchase of books.

Books to be loaned to pupils.

Proviso.

Proviso.

Section 13.

Special levy to raise fund.

That for the purpose of raising money to pay for school books which may be furnished to pupils free by any district adopting free text-books a special levy upon the taxable property of such district, shall be made by the County Commissioners of the County on estimates furnished by the school trustees of the district, if the money received from the general fund from the district be insufficient and said levy shall be made within thirty days from and after the ad-

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option of said free text-books in any district that has by majority vote adopted the same, and when made the tax levied shall be collected in the same manner as other taxes are collected; Provided, further, that any district that shall furnish free text-books shall have the right, through its Board of Trustees, to adopt additional or supplementary books, Provided, each adoption shall be for a period of not less than four years; Provided, however, that no book shall be used unless it has first been approved by the Text-Book Commission but that all text-books shall bear union labels, and its adoption been authorized by two-thirds' vote of the trustees of said district.

Proviso.

Proviso.

Proviso.

Union label.

Section 14.

The members of said Text-Book Commission provided for by this act, shall receive the sum of $6.00 per diem for each day necessarily engaged in transacting business and while in session, and actual travelling expenses; and there is hereby appropriated the sum of One Thousand Dollars per year, or so much thereof as may be necessary to carry out the provisions of this act; Provided, that said commission shall not be in session more than ten days in any one year.

Compensation of members

Expenses.

Appropriation.

Proviso.

Section 15.

That all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause

Section 16.

This act shall be in force and effect from and after its passage and approval by the Governor.

When act takes effect

Approved March 7 1903

CHAPTER CXXIII.

An Act entitled "An Act to amend Sections 14, 15, 27, 31, and 44 of House Bill No. 204, entitled, "An Act relating to public improvements in Cities and Towns and repealing Sections 4817, 4818, 4819,

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4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4928, 4930, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, and4899 of the Political Code of the State of Montana, "Approved March 8th, 1897."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 14 of House Bill 204, approved March 8, 1897, amended.

Section 1. That Section 14 of House Bill No. 204, entitled "An Act relating to public improvements in Cities and Towns and repealing Sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, and 4899 of the Political Code of the State of Montana, "Approved March 8th, 1897, be amended so as to read as follows:

Special tax for obtaining private property.

"Section 14. To defray the cost and expense of obtaining private property for the opening or widening of any street, avenue or alley, the city or town council shall assess not less than twenty-five per cent thereof, and any part not to exceed seventy-five per-cent thereof, as a special tax against the property, distributing such special tax upon such property in proportion to the benefits and pay the remainder of said cost and expense from the general or street fund of the city or town; provided, however, that if the cost does not exceed Five Hundred Dollars the city or town council may pay the entire cost from the general or street fund."

Section 15 of said act amended.

Section 2. That Section 15 of said Act be amended so as to read as follows:

Entire cost assessed to abutting property.

"Section 15. To defray the cost and expense of grading, macadamizing, paving or otherwise improving any alley, excepting the building of a sewer, the city or town council shall assess the entire cost thereof, to the property abutting said alley in proportion to the number of linear feet bordering thereon."

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Section 3. That Section 27 of said Act be amended so as to read as follows:

Section 27 of said act amended.

"Section 27. The sprinkling in districts so established may be done by contract, or by forces employed by the city or town, or by both, in such manner as the council may elect, and it shall be the duty of said council to estimate as near as practicable, the cost of sprinkling in such districts so established, for the season, and before the first Monday in November of each year they shall pass and finally adopt a resolution levying and assessing all the property within the several districts with an amount equal to not less than seventy-five per cent of the entire cost of said work, exclusive of the cost of sprinkling parks and public places."

Sprinkling.

Section 4. That Section 31 of said Act be amended so as to read as follows:

Section 31 of said act amended.

"Section 31. Whenever it is desired to create a Special Improvement District for the purpose of grading, paving, curbing, macadamizing, planting trees, constructing grass plots and sowing grass seed thereon, constructing sidewalks, sewers, and gutters, in any street, avenue or alley, or making any one or more of the improvements herein mentioned, or other public improvements of a similar nature as provided in this Chapter, and amendments thereof, the payments of assessments for which are to be made in installments, and are to extend over a period of three years, and the cost of which Special Improvement is to be paid for by Special Improvement Warrants, the council shall by resolution designate the number of such district, describe the boundaries thereof, and state therein the character of the improvement or improvements which are to be made, an approximate estimate of the cost thereof, and the time when the council will hear objections to its final adoption; such resolution shall be published in a daily newspaper, published in the city or town, for at least five days, or in a weekly paper in one issue, not less than five days before the date set

Special improvement district.

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for hearing objections to the final adoption of the same. Any person or persons who are owners or agents of any lot or parcel of land within such improvement district shall have the right to appear at said meeting either in person or by counsel and show cause, if any there be, why the improvements mentioned therein shall not be made; if at such meeting, objections are made to the making of such improvements, by owners or agents representing more than one-half in area of all the property which would be assessed to defray the cost of said improvement, the improvements shall not be made at that time, and at no time during a period of six months thereafter, but after the expiration of six months, a resolution providing for the same or similar improvements, covering the same territory may be considered after giving the same notice and taking the same proceedings as provided for in the consideration of the original resolution. If the owners or agents of property to the extent herein mentioned fail to make objections, a majority of all the members of the council voting in the affirmative will finally adopt the said resolution. Where trees have been planted grass plots constructed, and grass sown thereon, or any one or more of said improvements have been made in a Special Improvement District, created by virtue of this Act, it is hereby made the duty of the council of said city or town to cause said trees and grass to be watered, the grass cut, and trees trimmed, and to otherwise maintain and preserve said improvements, as the council shall deem suitable and proper, and the whole cost of so maintaining said improvements in any Improvement District shall be paid by the entire district, each lot or parcel of land within said district to be assessed for that part of the whole cost of maintaining, which its area bears to the area of the entire district, exclusive of streets, alleys and public places. The maintaining said improvements within the several districts tract, or by forces employed by the city or town, or

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by both, in such manner as the council may elect, and it shall be the duty of said council to estimate as near as practicable the cost of maintaining the improvements in such district so created, for the season, and before the first Monday in November of each year they shall pass and finally adopt a resolution levying and assessing all the property within the several districts with an amount equal to the whole cost of maintaining said improvements within the several districts and in the manner as hereinabove provided. Said resolution levying assessments to defray the maintenance of said improvements shall be in every manner prepared and certified to the same as the original resolution levying the assessments for the making of said improvements, and the money collected therefor shall be paid into a fund known as "Special Improvement District No. —— Maintenance Fund," the number of which shall correspond with the number of the Special Improvement District in which the Tax is levied; provided, however, that the council shall have the power of not more than once in a year, to change, by resolution, the boundaries of any maintenance district, as hereby established when, in their judgment, the change will decrease the cost of maintenance in the district or districts to be affected. Any special assessment made and levied to defray the cost of maintaining said improvements, together with all costs and penalties, shall constitute a lien upon and against the property upon which said assessment is made and levied, from and after the date of the final passage of said resolution, which lien may be enforced as provided in Section 41 of this Act."

Special improvement district maintenance fund.

Lien.

Section 5. That Section 44 of said Act be amended so as to read as follows:

Section 44 of said act amended.

"Section 44. Whenever the estimated special tax or assessments for any of the improvements mentioned in the preceding sections, or for the taking of private property for the opening or widening of any street or alley, in the aggregate amount to more than

Special tax.

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twenty-five per cent of the last assessed value of the property, sought to be assessed, then the council must provide out of the general fund for the payment of the amount in excess of said twenty-five per cent; pro-

Proviso.

vided, however, that this Section has no application where the improvements are made under the provisions of Section 30 and 31 of this Act."

Repealing clause.

Section 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect

Section 7. This Act shall take effect from and after the date of its passage and approval.

Approved Mch 7, 1903.

CHAPTER CXXIV.

An Act giving Authority to the City or Town Council of any City or Town to Issue upon the Credit of said City or Town Coupon Bonds, under certain conditions.

Be it Enacted by the Legislative Assembly of the State of Montana:

City or Town Council may issue Coupon Bonds.

Section 1. That the city or town council of any city or town of the State of Montana, shall have and is hereby given in addition to the power already conferred upon it, authority to issue upon the credit of said city or town, (and sell or dispose of the same) for the purpose of providing the necessary funds to pay maturing, redeemable, or optional bonds, under the following conditions, to-wit:

Conditions.

1. When there is not sufficient money to the credit of said city or town applicable to pay any of said bonds.

Same.

2. When in the judgment of the city or town council to levy and collect a tax, for the purpose of paying any of said bonds, would be a hardship and a burden to said city or town.

Same.

3. All bonds issued under the provisions of this section shall bear upon their face the words, "Refund-

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ing City or Town Bonds," as the case may be, and shall also recite in the body of the bonds that, "this bond is issued for the purpose of providing funds to pay maturing, redeemable, optional and outstanding bonds," as the case may be.

Same. 4. Said bonds shall bear interest at a rate not to exceed six per cent per annum, with interest payable semi-annually, and payable and redeemable within a period not exceeding twenty years from the date of the issue; provided said bonds shall not exceed in amount the face value of the bonds (and any accrued interest thereon) which they are issued to replace.

Same. 5. The city or town council shall fix the denomination, term, rate and form of said bonds not inconsistent with the requirements hereinbefore set forth; and may issue, dispose of or sell said bonds, at any time deemed necessary and expedient to enhance, preserve and maintain the credit of said city or town.

Same. 6. Said bonds, when offered for sale, shall be advertised for sale in not less than one newspaper of general circulation, published in the State of Montana, for a period of not less than four weeks preceding the date fixed for the sale of said bonds, and said bonds may in the discretion of the said city or town council be advertised in a financial newspaper published in the city of New York of general circulation; said advertisement shall briefly describe the bonds, stating the time when, and the place where said sale shall take place; provided, that said bonds shall not be sold at less than par value and accrued interest, and the said city or town council is authorized to reject any bids made, and sell said bonds at private sale or exchange them for outstanding bonds, if they deem it for the best interest of the said city or town to do so, and it shall not be necessary to hold any election or submit the matter of the issuance of the bonds authorized by this act to the electors of said city or town.

Same. 7. Said bonds and coupons attached shall be signed by the mayor and clerk of said city or town; provided,

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a lithographic or engraved fac simile of the signatures of the mayor and clerk may be affixed to the coupons, only when so recited in the bonds, and the corporate seal of said city or town shall be affixed to each bond.

Same

8. Each bond so issued shall be registered by the city or town clerk in a book provided for that purpose, which shall show the date, number, term and amount of each bond, and the person or persons to whom the bonds are issued and sold.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect and be in force from and after the date of its passage and approval.

Approved Mch. 7, 1903

CHAPTER CXXV.

An Act to amend Section 1190, Chapter 2, Title 15, of Penal Code of the State of Montana, being "An Act to prevent the use as a brand, of any sash or frying pan."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1190, Chap. 2, Title 15, Penal Code, amended.

Section 1. That Section 1190 of Chapter 2, of Title 15, of the Penal Code of the State of Montana be amended so as to read as follows:

Sash or frying pan brand.

"Section 1190. Every person who, for the purpose of branding horses, cattle, sheep, goats or any other animal, uses as a brand, a sash, frying pan or any device whatsoever, which can be employed or used to obliterate a brand, and every person who shall use any unrecorded brand which is an infringment upon any recorded brand, or who shall use a like brand in the same position or place recorded by another, is punishable by a fine not exceeding Two Hundred Dollars, or imprisonment in the county jail not exceeding sixty days, or both."

Penalty.

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Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Mch 7th 1903.

CHAPTER CXXVI.

"An Act to Consolidate the Clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners, and State Board of Equalization, providing for the appointment of a clerk to said Boards and fixing his compensation."

Be it Enacted by the Legislative Assembly of the State of Montana:

Consideration of Clerkships.

Section 1. That the several clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners, the State Board of Equalization are hereby consolidated; that there shall be one clerk, to be appointed by the Governor, who shall perform all the duties of clerk pertaining to the several boards herein mentioned; and the said clerk shall receive a salary of eighteen hundred dollars per annum, payable monthly, out of the state treasury; provided that the State Board of Equalization may, in their discretion, employ additional clerical assistance, if, in their judgment, same shall at any time be required to properly transact the business of that Board during the months when the Board is engaged in equalizing assessments.

Salary.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Mch. 9th 1903.

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CHAPTER CXXVII.

An Act to amend Section 410 of the Political Code of Montana, as amended by an Act entitled, "A Bill for an Act to Amend Section 410 of the Political Code of Montana, relating to the Fees of the Secretary of State," approved March 2nd, 1899, relating to the Fees of the Secretary of State.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 410, Political Code, amended.

Section 1. That Section 410 of the Political Code of Montana, as amended, be amended so as to read as follows:—

Fees.

Section 410. The Secretary of State, for services performed in his office, must charge and collect the following fees:

"I. For each copy of any law, resolution, record, or other document or paper on file in his office, twenty cents (20c) per folio.

"II. For fixing Certificate and seal, One Dollar.

"III. For issuing each Certificate of incorporation and each Certificate of increase of Capital Stock, Three Dollars.

"IV. For recording and filing each Certificate of incorporation and each Certificate of increase of Capital Stock, the following amounts shall be charged:—

Amounts up to $100,000.00 25 cents per $1,000.00.

Additional from $100,000.00 to $250,000.00 20 cents per $1,000.00

Additional from $250,000.00 to $500,000.00 15 cents per $1,000.00

Additional from $500,000.00 to $1,000,000.00 10 cents per $1,000.00

Additional over $1,000,000.00 5 cents per $1,000.00.

PROVIDING, that no fee for filing any Articles of Incorporation or Increase of Capital Stock shall be less than $10.00, except religious societies, churches, and organizations for religious purposes, not having a

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Capital Stock, and not being organized for the purpose of profit.

"V. For issuing each Certificate of decrease of capital stock, Three Dollars.

"VI. For recording and filing each Certificate of decrease of Capital Stock, Five Dollars.

"VII. For issuing each Certificate of continuance of corporate existence, Three Dollars.

"VIII. For recording and filing each Certificate of continuance of corporate existence, Three Dollars.

"IX. For recording and filing each notice of removal of place of business, each certificate of change of name, or each certificate making capital stock assessable, Three Dollars.

"X. For filing each certified copy of the charter or articles of incorporation of any Foreign Corporation, the same fee shall be charged as is provided for in Article 4 of this Section, for district Corporations.

"XI. For filing each notice of appointment of agent, Three Dollars.

"XII, For filing each annual or semi-annual statement of any foreign corporation, Three Dollars.

"XIII, For receiving and recording each official bond, Two Dollars

"XIV. For each Commission or other document, signed by the Governor, and attested by the Secretary of State, (pardon and military commissions excepted) Five Dollars.

"XV. For searching the records and archives of the State, One Dollar.

"XVI. For filing each trade mark, Three Dollars: and for issuing each Certificate of record, One Dollar.

"XVII. For recording miscellaneous papers, records, or other documents, twenty cents per folio.

"XVIII. For filing any other paper not otherwise herein provided for, One Dollar.

"That no member of the Legislative Assembly, or State or County Officer, can be charged for any search

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relative to matters appertaining to the duties of his office; nor must he be charged any fee for a certified copy of any law or resolution passed by the Legislative Assembly relative to his official duties. Fees must be collected in advance, and when collected by the Secretary of State, must be paid to the State Treasurer at the end of each quarter, as provided for in the "Constitution."

When act takes effect.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved March 9, 1903.

CHAPTER CXXVIII.

An Act to amend Sections 513, 514 and 524, of the Code of Civil Procedure, and to Repeal an Act approved March 11th 1901, Relating to limitation of Actions.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Section 513, 514 and 524, Code of Civil Procedure, amended.

That Sections 513, 514, and 524 of the Code of Civil Procedure, be and the same are hereby amended so as to read as follows:

Section 513. Within five years:

(1.)

Action on contract, etc.

An Action upon a contract, account, promise, not founded on an instrument in writing.

(2.)

Wills.

An action to establish a will where the will has been lost, concealed or destroyed. The cause of action is not deemed to have accrued until the discovery, by the plaintiff, or the person under whom he claims, of the facts upon which its validity depends.

(3.)

Judgment or decree.

An Action upon a judgment or decree rendered in a court not of record. The cause of action, is deemed,

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in such case, to have accrued when final judgment was rendered.

Section 514. Within three years.

(1.)

Action against Sheriff, Coroner or Constable.

An Action against a sheriff, coroner or constable upon a liability incurred by the doing of an act in his official capacity and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution; but the subdivision does not apply for an action for an escape.

Escape.

(2.)

Damages for death

An Action to recover damages for the death of one caused by the wrongful act or neglect of another.

(3.)

Obligation or liability.

An Action upon an obligation or liability, not founded upon an instrument in writing, other than a contract, account or promise.

Section 524. Within two years:

(1.)

Liability created by statute.

An Action upon a liability created by statute other than a penalty or forfeiture.

(2.)

Waste or trespass.

An Action for waste or trespass on real or personal property: provided that, when the waste or trespass is committed by reason of underground work upon any mining claim, the cause of action shall not be deemed to have accrued, until the discovery by the aggrieved party of the facts constituting such waste or trespass.

(3.)

Detention of personal property.

An Action for taking, detaining or injuring any goods or chattels including actions for the specific recovery of personal property.

(4.)

Fraud or mistake.

An Action for relief on the ground of fraud or mistake the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

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Repealing clause.

Section 2. That an Act approved March 11. 1901 entitled "An Act to amend Sections 513 and 514, Chapter III, Title II, Part II, of the Code of Civil Procedure relating to the limitation of time within such actions may be brought" and all acts and parts of acts in conflict herewith are hereby repealed.

Approved Mch 9. 1903

CHAPTER CXXIX.

An Act requiring foreign surety companies engaged in business in the State, to deposit securities with the State Treasurer, and to amend Sections 1 and 6 of the Act of the Legislative Assembly, approved February, 24. 1899.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section of act approved Feby. 24, 1899, amended.

Surety Companies.

Section 1. That Section 1 of the Act of the Legislative Assembly approved February 24, 1899, entitled "An Act to Permit Foreign Surety Companies to do business in this State, and Regulating the Method thereof;" be and the same is hereby amended so as to read as follows:

"Section 1. Any Surety Company incorporated under the laws of any State of the United States, other than this State, or under the laws of any Foreign Country, either solely or among other things, for the purpose of transacting business as Surety on Obligations, Bonds or Undertakings of persons or Corporations, having an authorized capital stock of at least $250,000, which must be fully paid up, and unimpaired and safely invested in the securities created by the Laws of the United States, or by or under the Laws of the State where it is incorporated, or in other safe, marketable and interest bearing stock, bonds or other securities, may transact such surety business in this State, upon complying with the provisions of this Act,

Must comply with laws

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and not otherwise. Every such Surety Company must, before commencing to do business in this State, comply with the law regulating Foreign Corporations, except that it need not file copies of its Charter, Statements, or reports in Counties other than the one in which is located its office or principal place of business within this State, but every such Surety Company must, before transacting any business in any county in this State, file in the office of the Clerk and Recorder thereof a certificate of appointment of any agent or attorney in fact representing such company or authorized to execute papers in its behalf, which certificate shall be authenticated in the same manner as provided in Section 1030 of the Civil Code relating to Agents upon whom service may be made, and shall deposit with the Insurance Commissioner, or other Corresponding Financial Officer of the State, in which such Corporation is incorporated and has its principal place of business, in trust for the benefit of the holders of the obligations of such Corporations, Stocks, Bonds or other securities of the par value of $100,000; and in addition thereto such corporation shall also deposit with the Treasurer of the State $50,000 of like Securities, in trust for the benefit of the resident holders of the obligations of such Corporation. Thereupon such Surety Company may present to the State Auditor proof satisfactory to him that it has complied with this Act and that it is a Surety Company entitled to do business in this State under the provisions hereof, and upon payment to him of the license fee required of General Insurance Companies by the laws of this State, he shall issue it a license authorizing it to transact business within this State. The moneys arising from the issuance of such license shall be paid into the State Treasury and disposed of as are other moneys arising from license taxes. No license shall be issued to any such Surety Company whenever its liabilities shall exceed its assets, and whenever the Auditor shall become satisfied that the liabilities of any Surety Com-

Certificate of appointment of agent.

Deposit.

Additional deposit.

License.

Auditor to give notice.

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pany, to which license has been issued exceed its assets, he shall send a notice in writing, to the Secretary of such Company stating the fact and requiring the deficiency to be paid up within ninety days from the date of such notice, and if it is not so paid up within the time limited, he shall issue a certificate setting forth the amount of such deficiency, and the license of such Company is thereby cancelled. The said Certificate shall be published in a Daily Paper printed at the City of Helena once a week for three weeks, and from the date of the first publication of such certificate such Company shall be prohibited from doing business within this State. In ascertaining the condition of any such Company under the provisions of this Act, the Auditor shall allow as assets only, such as are authorized under existing laws at the time, and shall charge as libabilities, in addition to eighty per cent. of the capital Stock, all outstanding indebtedness of the Company, and a premium reserve equal to fifty per centum of the premiums charged by said Company on all risks then in force."

Deficiency to be made up.

Publication.

What are assets and liabilities.

Section 2. That Section 6 of the Act of the Legislative Assembly approved February 24, 1899, entitled "An Act To Permit Foreign Surety Companies to do business in this State, and regulating the method thereof," be and the same is hereby amended so as to read as follows:

Section 6 of said act amended.

"Section 6. That if any such Company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such bond, Undertaking, Recognizance or other obligation made or guaranteed by it under the provisions of this Act, from which no appeal, writ of error or supersedeas has been taken for ninety days after the rendition of such judgment or decree, it shall be the duty of the Clerk of the Court in which said judgment or decree was rendered to certify a copy thereof to the State Auditor, together with the fact that it remains unpaid: and thereupon the State Auditor must require the State Treasurer

Failure to pay Judgment.

Treasurer to sell bonds.

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to sell as many of the Bonds or other Securities, deposited by such Corporation with the State Treasurer as may be necessary for the best price he can obtain and the interest and costs thereon, and to pay to the Clerk of such Court, from the proceeds of such sale, the amount of such judgment or decree, with the interest and costs; and it shall be the duty of the State Treasurer to sell such bonds or other Securities at private or public sale, with or without notice, or so many as may be necessary, for the best price he can obtain in the market, to assign the same to the purchaser, and to apply the proceeds, or so much thereof as may be necessary to the payment of such judgment or decree, with interest and costs, the surplus, if any, remaining on deposit in lieu of the bonds or other securities so sold. Of such sale the State Auditor must forth with notify such Corporation and require it to supply the deficiency within thirty days; and if such Corporation shall fail to do so it shall forfeit all right to do business under this Act, and the State Auditor shall revoke its license."

Proceeds.

Forfeiture.

Section 3. That when Any Corporation doing business under the provisions of this Act ceases to transact such business it may withdraw the securities deposited with the State Treasurer upon satisfying him that it has discharged, or been relieved from, any and all risks and liabilities it has incurred in this State; and upon the State Treasurer becoming satisfied that such Corporation has discharged or been relieved from all such risks and liabilities he shall deliver to such Corporation the securities so deposited by it with him.

Withdrawal of securities.

Section 4. That if at any time the bonds or other securities deposited by such Corporation with the State Treasurer under the provisions of this Act, shall be diminished in amount by sale as hereinbefore provided, or shall depreciate in value, the State Auditor shall require such Corporation to deposit other bonds or other securities of like kind as hereinbefore provided, with the State Treasurer, so that the amount and value

Depreciation of securities.

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of such bonds or other securities in the hands of the State Treasurer shall, at all times, be $50,000. For all bonds and securities deposited by all such Corporations under the provisions of this Act, the faith and credit of the State are hereby pledged, that the said bonds and securities shall be returned to the parties entitled to receive them, or disposed of as provided in this Act.

Corporations now engaged in business may continue by complying with act.

Section 5. All such Corporations now engaged in transacting such security business in this State, may continue to engage in such business upon complying with the provisions of this Act relative to the making of such deposit of securities, within ninety days after the date of the taking effect of this Act.

Repealing clause.

Section 6. That all Acts and parts of Acts inconsistent with this Act be and the same are hereby repealed.

When act takes effect.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11th 1903

January 2nd. 1903.

Hon. Geo. M. Hays
Secretary of State,
Helena, Mont.

Dear Sir:

In compliance with section 2264, Code of Civil Procedure. I herewith report that during the year ending December 31st. 1902 the name of Alexander Smith was changed to Alexander Kossowski by order and decree of Court made on the 25th. day of February 1902., and that his residence is given in the petition for change of name on file in my office as, Helena Montana.

Respectfully,
FINLEY McRAE,
Clerk of the District Court.

Note. In compliance with the section mentioned in the above communication, this order of the Court of the First Judicial District of the State of Montana is published with the Session Laws of the Eighth Legislative Assembly.

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HOUSE BILL NO. 322.

An Act making Appropriations for the Executive and Judicial Departments of the State Government for the Fiscal Years Ending November 30th, 1903 and November 30th, 1904.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same is hereby appropriated for the objects hereinafter expressed, for the fiscal year ending November 30th, 1903.

EXECUTIVE DEPARTMENT.

For the salary of the Governor, Five Thousand Dollars.

For the salary of the Governor's Private Secretary, Two Thousand Four Hundred Dollars.

For a Stenographer to the Governor, Fifteen Hundred Dollars.

For the Governor's office expenses, Five Hundred Dollars.

For the salary of the Seceretary of State, Three Thousand Dollars.

For the salary of the Assistant Secretary of State, One Thousand Eight Hundred Dollars.

Extra Clerk hire office Seceretary of State, Four Hundred and Fifty Dollars.

For the salary of a stenographer and clerk to the Secretary of State, One Thousand Five Hundred Dollars.

For indexing laws extra clerk hire, One Hundred and Fifty Dollars.

For office expenses of Secretary of State, Six Hundred Dollars.

For salary of Assistant State Treasurer, Eighteen Hundred Dollars

For salary of the State Treasurer, Three Thousand Dollars.

For the salary of a clerk to the State Treasurer, One Thousand and Five Hundred Dollars.

For office expenses of State Treasurer, Three Hundred Dollars.

For the salary of the State Auditor, Three Thousand Dollars.

For the salary of the Assistant State Auditor, Eighteen Hundred Dollars.

For salary of Insurance Clerk to State Auditor, Fifteen Hundred Dollars.

For salary of a stenographer to the State Auditor, One Thousand Two Hundred Dollars.

For office and traveling expenses of the State Auditor, Four Hundred Dollars.

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For the salary of the Attorney General, Three Thousand Dollars.

For the salary of the Assistant Attorney General, One Thousand Eight Hundred Dollars.

For the salary of the Second Assistant Attorney General, Eighteen Hundred Dollars.

Salary stenographer for Attorney General Six Hundred Dollars.

Office and traveling expenses of the Attorney General, Six Hundred and Fifty Dollars.

For the salary of the Superintendent of Public Instruction, Two Thousand Five Hundred Dollars.

For the salary of the Assistant Superintendent of Public Instruction. One Thousand Eight Hundred Dollars.

For Office and Traveling Expenses of the Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

For traveling expenses of the State Board of Education, Eight Hundred Dollars.

For the salary of the State Examiner, Two Thousand Five Hundred Dollars.

For the salary of the Assistant State Examiner, One Thousand Eight Hundred Dollars.

For the office and traveling expenses of the State Examiner, One Thousand Five Hundred Dollars.

For the salary of the State Veterinary Surgeon, Two Thousand Five Hundred Dollars.

For the office and traveling expenses of the State Veterinarian, One Thousand Eight Hundred Dollars.

For the salary of the Commissioner of the Bureau of Agriculture, Labor and Industry, Two Thousand Five Hundred Dollars.

For the salary of a Clerk to the Commissioner of the Bureau of Agriculture, Labor and Industry, One Thousand Eight Hundred Dollars.

For office and traveling expenses of the Commissioner of the Bureau of Agriculture, Labor and Industry, One Thousand Five Hundred Dollars.

For the salary of the State Boiler Inspector, Two Thousand Four Hundred Dollars.

For the salary of the Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

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For the office and traveling expenses of the State Boiler Inspector, Three Thousand Five Hundred Dollars.

For the salary of the State Mine Inspector, Two Thousand Four Hundred Dollars.

For the salary of the Assistant State Mine Inspector, One Thousand Six Hundred and Fifty Dollars.

For the office and traveling expenses of the State Mine Inspector, Two Thousand Dollars.

For the salary of the Inspector of Coal Mines, Two Thousand Dollars.

For the office and traveling expenses of the Inspector of Coal Mines, Twelve Hundred Dollars.

For the salary of the Clerk to the State Board of Equalization, Board of Pardons, Board of Prison Commissioners and Board of Commissioners of Insane." One Thousand Eight Hundred Dollars.

For the office expenses of State Board of Equalization, One Hundred Dollars.

For the office expenses of the State Board of Pardons, One Hundred and Fifty Dollars.

For the salary of the Librarian of the State Law Library One Thousand Five Hundred.

For maintenance and expenses of State Law Library, Seven Hundred Dollars.

For Books for State Law Library, Seven Hundred and Fifty Dollars.

For the salary of the Librarian of the State Historical Library, One Thousand Five Hundred Dollars.

For the salary of an Assistant to the Librarian of the State Histroical Library, Seven Hundred and Twenty Dollars.

For maintenance, cataloguing, printing, binding, etc., in the State Historical Library, Twenty-Five Hundred Dollars.

For Public Printing Eleven Thousand Five Hundred Dollars.

For payment for distribution Seventh Report Bureau of Agriculture, Labor and Industry, Five Hundred Dollars.

For the salary of the Secretary of the Board of Hordiculture, [Horticulture] One Thousand Dollars.

For office expenses of the State Board of Examiners, One Hundred Dollars.

For office and traveling expenses State Board of Charities and Reform Three Hundred Dollars.

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For insurance and care of National Guard property, Eight Hundred Dollars.

For the salary of the Adjutant General of the State of Montana One Thousand two hundred dollars.

For the maintenance of the National Guard Five Thousand Dollars.

For office and traveling expenses of the State Board of Prison Commissioners, One Hundred and Fifty Dollars.

For salary of the Clerk of the State Board of Examiners, One Thousand Eight Hundred Dollars.

For the expenses of the State Board of Health, including the salary of the Secretary, Two Thousand Dollars.

For maintenance of Capitol Building and grounds, Twelve Thousand Dollars, for 1903.

For rewards offered by the Governor, One Thousand Dollars.

For requisitions, One Thousand Dollars. Provided, that no bill for traveling expenses shall be paid from any appropriation herein made shall be allowed, unless accompanied by the affidavit of the claimant that each and every sum claimed was by him actually and necessarily paid for travel on official business, and that no charge is made therein for travel or any railroad or stage line over which the claimant had free transportation; and it shall be the duty of each officer of the State claiming mileage under this Act to file with the State Auditor the number of every annual or other pass by him held over any transportation line, before filing any claim for traveling expenses.

Judicial Department.

For the fiscal year ending November 30th, 1903.

For the salary of three Justices of the Supreme Court, Twelve Thousand Dollars.

For the salary of the Clerk of the Supreme Court, Two Thousand Dollars.

For the salary of the Stenographer of the Supreme Court, One Thousand Eight Hundred Dollars.

For compensation of the Justices of the Supreme Court for services in reporting decisions, Four Thousand Five Hundred Dollars.

For the salary of the Marshal of the Supreme Court, One Thousand Two Hundred Dollars.

For the salary of the Attendant of the Justices of the Supreme Court One Thousand Dollars.

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For contingent expenses of the office of the Clerk of the Supreme Court, Five Hundred Dollars.

For the salary of fifteen district Judges, Fifty-two Thousand Five Hundred Dollars.

For the salary of County Attorneys, Twenty-one Thousand Five Hundred Dollars.

Section 2. That the following sums, or so much thereof as may be necessary, be and the same is hereby appropriated for the objects hereinafter expressed, for the fiscal year ending November 30th, 1904:

Executive Department.

For the salary of the Governor, Five Thousand Dollars.

For the salary of the Governor's Private Secretary Two Thousand Four hundred Dollars.

For a stenographer to the Governor Fifteen Hundred Dollars.

For the Governor's office expenses, Five Hundred Dollars.

For the salary of the Secretary of State, Three Thousand Dollars.

For the salary of the Assistant Secretary of State, One Thousand Eight Hundred Dollars.

For the salary of a stenographer and Clerk to the Secretary of State, One Thousand Five Hundred Dollars.

For office expenses of Secretary of State, Four hundred and Fifty Dollars.

For extra Clerk hire office Secretary of State, One Hundred and Fifty Dollars.

For the salary of the State Treasurer, Three Thousand Dollars.

For the salary of the Assistant State Treasurer, Eighteen Hundred Dollars.

For the salary of a clerk to the State Treasurer, One Thousand Five Hundred Dollars.

For office expenses of State Treasurer, Three Hundred Dollars.

For the salary of the State Auditor, Three Thousand Dollars.

For the salary of the Assistant State Auditor, One Thousand Eight Hundred Dollars.

For salary of the Insurance Clerk to the State Auditor, Fifteen Hundred Dollars.

For the salary of a stenographer to the State Auditor, One Thousand Two Hundred Dollars.

For office and traveling expenses of the State Auditor, Four Hundred Dollars.

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For the salary of the Attorney General Three Thousand Dollars.

For the salary of the Assistant Attorney General One Thousand Eight Hundred Dollars.

For the salary of the Second Asssistant Attorney General, Eighteen Hundred Dollars.

For the salary of stenographer to the Attorney General, Six Hundred Dollars.

For office and traveling expenses of the Attorney General, Six Hundred and Fifty Dollars.

For the salary of the Superintendent of Public Instructions, Two Thousand Five Hundred Dollars.

For the salary of the Assistant Superintendent of Public Instruction, One Thousand Eight Hundred Dollars.

For office and traveling expenses of the Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

For traveling expenses of the State Board of Education, Eight Hundred Dollars.

For the salary of the State Examiner, Two Thousand Five Hundred Dollars.

For the salary of the Assistant State Examiner, One Thousand Eight Hundred Dollars.

For the office and traveling expenses of the State Examiner, One Thousand Five Hundred Dollars.

For the salary of the State Veterinary Surgeon, Two Thousand Five Hundred Dollars.

For the office and traveling expenses of the State Veterinarian, One Thousand Eight Hundred Dollars.

For the salary of the Commissioner of the Bureau of Agriculture, Labor and Industry, Two Thousand Five Hundred Dollars.

For the salary of the Clerk to the Commissioner of the Bureau of Agriculture, Labor and Industry, One Thousand Eight Hundred Dollars.

For office and traveling expenses of the Commissioner of the Bureau of Agriculture, Labor and Industry, One Thousand Five Hundred Dollars.

For the salary of the State Boiler Inspector, Two Thousand Four Hundred Dollars.

For the salary of the Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

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For the office and traveling expenses of the State Boiler Inspector, Three Thousand Five Hundred Dollars.

For the salary of the State Mine Inspector, Two Thousand Four Hundred Dollars.

For the salary of the Assistant State Mine Inspector, One Thousand Six Hundred and Fifty Dollars.

For the office and traveling expenses of the State Mine Inspector, Two Thousand Five Hundred Dollars.

For the salary of the Inspector of Coal Mines, Two Thousand Dollars.

For the office and traveling expenses of the Inspector of Coal Mines, Twelve Hundred Dollars.

For the salary of the Clerk to the State Board of Equalization, Board of Pardons, Board of Prison Commissioners, and Board of Commissioners of Insane, One Thousand Eight Hundred Dollars.

For the office expense of State Board of Equalization, One Hundred Dollars.

For the office expenses of the State Board of Pardons, One Hundred and Fifty Dollars.

For the salary of the Librarian of the State Law Library, One Thousand Five Hundred Dollars.

For the maintenance and expenses of the State Law Library, Four Hundred Dollars.

For Books for State Law Library, Seven Hundred and Fifty Dollars.

For the salary of the Librarian of the State Historical Library, One Thousand Five Hundred Dollars.

For the salary of an Assistant to the Librarian of the State Historical Library Seven Hundred and Twenty Dollars.

For maintenance, cataloguing, printing, binding, etc., in the State Historical Library, Two Thousand Five Hundred Dollars.

For Public Printing Six Thousand Five Hundred Dollars.

For the salary of the Seceretary of the Board of Horticulture, One Thousand Dollars.

For office expenses of the State Board of Examiners, One Hundred Dollars.

For office expenses State Board of Charities and Reform. Three Hundred Dollars.

For Insurance and care of National Guard property, Eight Hundred Dollars.

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For the salary of the Adjutant General of the State of Montana One Thousand and two Hundred Dollars.

For the maintenance of the National Guard Five Thousand dollars.

For office and traveling expenses of State Board of Prison Commissioners, One Hundred and Fifty Dollars.

For salary of the Clerk of the State Board of Examiners, One Thousand Eight Hundred Dollars.

For the expense of the State Board of Health, including the salary of the Secretary, Two Thousand Dollars.

For maintenance of Capitol Building and Grounds, Ten Thousand Dollars.

For rewards offered by the Governor, One Thousand Dollars.

For requisitions, One Thousand Dollars Provided, that no bill for traveling expenses to be paid from any appropriation herein made shall be allowed, unless accompanied by the affidavit of the claimant that each and every sum claimed was by him actually and necessarily paid for traveling on official business, that no charge is made therein for travel on any railroad or stage line over which the claimant had free transportation; and it shall be the duty of each officer of the State claiming mileage under this Act to file with the State Auditor the number of every annual or other pass by him held over any transportation line, before filing any claim for traveling expenses.

Judicial Department.

For the fiscal year ending November 30th, 1904.

For the salary of three Justices of the Supreme Court, Twelve Thousand Dollars.

For the salary of the Clerk of the Supreme Court, Two Thousand Dollars.

For the salary of the stenographer of the Supreme Court, One Thousand Eight Hundred Dollars.

For compensation of the justices of the Supreme Court for services in reporting decisions, Four Thousand Five Hundred Dollars.

For the salary of the Marshal of the Supreme Court, One Thousand Two Hundred Dollars.

For the salary of the attendant of the Justices of the Supreme Court, One Thousand Dollars.

For contingent expenses of the office of the clerk of the Supreme Court, Five Hundred Dollars.

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For the salary of fifteen District Judges, Fifty-two Thousand Five Hundred Dollars.

For the salary of County Attorney's, Twenty-one Thousand Five Hundred Dollars.

Approved Mch 7, 1903.

HOUSE BILL NO. 332.

An Act making appropriations for the State Institutions of Montana for the fiscal years ending November 30th, 1903, and November 30th, 1904.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same is hereby appropriated for the objects hereinafter expressed for the fiscal year ending November 30th, 1903:

For the maintenance of the insane, One Hundred and Twenty Thousand Dollars.

For the maintenance of the State Prison, Sixty Five Thousand Dollars.

For the maintenance of the Agricultural College, Fifteen Thousand Dollars.

For the maintenance of the Experimental Station, Agricultural College, Five Thousand Dollars.

For the maintenance of the Reform School, Twenty-four Thousand Dollars.

For the maintenance of the State Normal School, Twenty-two Thousand Dollars.

For the maintenance of the School for Deaf and Blind Twenty-one Thousand Dollars.

For the maintenance of the State University, Forty-four Thousand Six Hundred and Ten Dollars.

For the maintenance of the State School of Mines, Twenty-three Thousand Dollars.

For scales, burglar proof safe, fire proof door and gas plant, State School of Mines, Two Thousand Dollars.

For maintenance of the State Orphans Home, Twenty-two Thousand Dollars.

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For the maintenance of the Soldiers Home, Seven Thousand Four Hundred Dollars.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated for the objects hereinafter expressed for the fiscal year ending November 30th, 1904:

For the maintenance of the insane, One Hundred and Twenty Thousand Dollars.

For the maintenance of the State Prison, Seventy Thousand Dollars.

For the maintenance of the Agricultural College, Fifteen Thousand Dollars.

For the maintenance of the Experimental Station, Agricultural College Five Thousand Dollars.

For the maintenance of the Reform School Twenty-four Thousand Dollars.

For the maintenance of the State Normal School Twenty-five Thousand Four Hundred Dollars.

For the maintenance of the School for Deaf and Blind, Twenty-one Thousand Dollars.

For the maintenance of the State University, Forty-four Thousand and Six Hundred and Ten Dollars.

For the maintenance of the State School of Mines, Twenty-three Thousand Dollars.

For the maintenance of the State Orphans Home Twenty-four Thousand Dollars.

For the maintenance of the Soldiers Home, Eight Thousand and Ten Dollars.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch. 6, 1903

HOUSE BILL NO. 16.

An act to approiate [appropriate] moneys for the payment of mileage and per diem for the members of the Eighth Legislative Assembly of the State of Montana: also for the payment of per diem of the officers and attaches thereof."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty two thousand dollars ($42,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated for the payment of mileage and per diem for the members of the Eighth Legislative Assembly of the State of Montana.

Section 2. That the sum of eighteen thousand dollars ($18,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys not otherwise appropriated for the payment of the per diem of the officers and attaches of the Eighth Legislative Assembly of the State of Montana.

Section 3. That this act shall be in force and effect from and after its passage and approval.

Approved Jany 21 1903.

HOUSE BILL NO. 17.

"An Act making appropriation for the Incidental Expenses of the Eighth Legislative Assembly of the State of Montana.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ten Thousand Dollars ($10,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the incidental expenses of the Eighth Legislative Assembly of the State of Montana.

Section II. That this act shall be in force and effect from and after its passage and approval.

Approved Jany 22, 1903

SUBSTITUTE FOR HOUSE BILL NO. 30.

An Act entitled. "An Act appropriating money for the erection and equipment of a School for the Feeble-Minded of the State of Montana, in accordance with Section 2346 of the Political Code of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and is hereby appropriated the sum of Twenty-two Thousand ($22,000.00) Dollars, or so much thereof as may

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be necessary out of any money in the State Treasury not otherwise appropriated, for the purpose of erecting a school for the feeble-minded of the State of Montana, at Boulder, Montana.

Section 2. That there be and is hereby appropriated the sum of Six Thousand ($6,000.00) Dollars, or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, for the purpose of plumbing and heating said school for the feeble-minded of the State of Montana, at Boulder, Montana.

Section 3. That there be and is hereby appropriated the sum of Two Thousand ($2,000.00) Dollars, or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, for the purpose of furnishing said school for the feeble-minded of the State of Montana, at Boulder, Montana.

Section 4. That of the Thirty Thousand ($30,000.00) Dollars appropriated by this Act, the sum of Two Thousand ($2,000.00) Dollars thereof is appropriated for the fiscal year ending on the thirtieth day of November, 1903; and the sum of Twenty-Eight Thousand ($28,000.00) Dollars is appropriated for the Fiscal Year ending on the thirtieth day of November, 1904.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

Approved Mch 5th 1903

HOUSE BILL NO. 86.

An Act entitled "An Act to appropriate to J. M. Page, the sum of Six hundred and eighty-five Dollars and eighty-four cents ($685.81) for services rendered the State of Montana as State Land Agent from August 7th, 1897, to October 25th, 1897, inclusive—"

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six hundred and eighty-five Dollars and eighty-four cents ($685.84) be, and the same is hereby appropriated to pay J. M. Page for services rendered as State Land Agent, from August 7th, 1897, to October 25th, 1897, inclusive.

And the State Treasurer is directed to pay the same and the amount

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so appropriated shall be proportioned and paid from the different funds as is the salary of the State Land Agent.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the governor.

(Note by the Secretary of State) The foregoing act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution has become a law without his approval.

February 28th 1903

HOUSE BILL NO. 89.

An Act entitled An Act appropriating money for the completing furnishing, and equipping certain buildings for the University of Montana, at Missoula, Montana.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five thousand dollars ($5,000.00) or as much thereof as may be necessary be and is hereby appropriated for completing, furnishing, and equipping the Woman's Hall, and Gymnasium of the University of Montana at Missoula, Montana.

Section 2. That the above named sum the amount of one thousand five hundred dollars ($1,500) or as much thereof as may be necessary, shall be devoted to furnishing and completing the Woman's Hall. And that three thousand five hundred dollars, ($3,500), or as much thereof as may be necessary, shall be devoted to completing and equipping the Gymnasium.

Section 3. The Completing, furnishing, and equipping of said buildings, shall be under the control of the State Board of Education. Said Board is hereby authorized to employ an architect as it may deem necessary in preparing the plans and specifications for the completion of the Gymnasium. Said Board of Education shall have power through its said Commissioner, or its agent or agents above provided for, to make any and all contracts for the completion, furnishing or equipment of said buildings, but shall not contract for the expenditure of more money than is hereby appropriated.

Section 4. All contracts for completing, furnishing and equipping

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said buildings must be approved by the State Board of Education before the same shall become valid and binding.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Mch 6. 1903

HOUSE BILL NO. 111.

An Act Entitled "An Act appropriating money for the erecting and equipping of additional building for the Montana Agricultural College and Experiment Station at Bozeman, Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-one Thousand, Five Hundred Dollars ($21,500.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the purpose of erecting a Cattle barn, a Seedbarn, and a boiler house for the Montana Agricultural College and Experiment Station at Bozeman, Montana.

Section 2. That the sum of Eight Thousand Five Hundred Dollars ($8,500.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, for the purpose of building a seed barn and boiler house for the Experiment Station at Bozeman, Montana.

Section 3. That the sum of Thirteen Thousand Dollars ($13,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, for the purpose of building a Cattle barn for the Agricultural College and Experiment Station at Bozeman, Montana.

Section 4. That the sum of Eight Thousand Five Hundred Dollars ($8,500.00), appropriated by this Act, is appropriated for the fiscal year ending November 30, 1903, and the sum of Thirteen Thousand ($13,000.00) Dollars is appropriated for the fiscal year ending November 30, 1904.

Section 5. This Act shall take effect and be in full force after its passage and approval by the Governor.

Approved Mch 5th 1903

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HOUSE BILL NO. 112.

"An Act appropriating money for the payment of the claim of the Montana Building Company for extra work and labor done and extra material furnished in the construction of the State Capitol."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifty seven thousand two hundred thirty eight and 59-100 Dollars ($57,238.59) be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, in payment of the claim of the Montana Building Company on account of extra work and labor done and extra material furnished in the construction of the State Capitol in addition to that required to be done under its contract with the State Capitol Commission.

Section 2. That of the above named sum of Fifty seven thousand and two hundred thirty eight and 59-100 Dollars ($57,238.59), the sum of Thirty thousand ($30,000.00) Dollars shall be paid out of the appropriation for the fiscal year of 1903, and the sum of Twenty seven thousand two hundred thirty eight and 59-100 Dollars ($27,238.59) out of the appropriation for the fiscal year of 1904. The State Auditor is hereby authorized to draw his warrants in favor of the corporation named and in the amount specified in Section 1 of this Act and in accordance with the provisions of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its passage and approval.

Approved Feby 5th 1903

HOUSE BILL NO. 137.

An Act Entitled "An Act appropriating money for the payment of the claim of Conley and McTague for Care of Prisoners at State Penitentiary at Deer Lodge."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-four Thousand Three Hundred and Twenty-Six and 50-100 Dollars ($24326.50), or so much thereof as may be necessary, be, and the same is hereby appropriated, out of

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any money in the State Treasury not otherwise appropriated, to pay the claim of Conley & McTague for care of prisoners at State Penitentiary at Deer Lodge.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Conley & McTague, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved Feby 24, 1903

HOUSE BILL NO. 138.

An Act Entitled "An Act appropriating money for the payment of the claim of the Butte Machinery & Specialty Company, Account Installation of Heating Plant at State Penitentiary at Deer Lodge."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven Thousand Six Hundred and Eighty-Seven and 66-100 Dollars, ($7687.66), be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the Butte Machinery & Specialty Company, account installation of heating plant at State Penitentiary at Deer Lodge.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Butte Machinery & Specialty Company, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved Feby 24th 1903

HOUSE BILL NO. 159.

"An Act appropriating money for the payment of claims of certain persons and corporations for account of services rendered and supplies furnished to The State Normal School at Dillon, Montana during the year 1902 for which no appropriation had previously been made."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand and Thirty-Four and 43-100 ($6,034.43) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the claims of the following named persons for services rendered and supplies furnished for the State Normal School at Dillon, Montana during the year 1902 and for which no appropriation has heretofore been made.

Dart Hardware Co., for supplies and Labor	$245.84
Chicago Laboratory S. & S. Co., Apparatus	35.47
Dillon Lumber Co., Finishing Dormitory Attic	1698.00
Dart Hardware Co., Plumbing in Dormitory Attic	1202.48
Dillon Furniture Co., Furniture for Dormitory Attic	739.90
Eliel Bros., Carpets and Bedding for Dormitory Attic	286.80
W. G. Clarke, Coal for Normal School	208.25
H. H. Swain, Books for Normal School	146.60
W. G. Clarke, Coal for Normal School	168.65
W. G. Clarke, Coal for Normal School	279.55
E. T. Brock, Coal for Normal School	421.65
C. S. Haire, Architect, plans for Dormitory Attic	88.75
Dart Hardware Co., supplies for Normal	39.00
H. H. Swain, Pres't, Balance due on Salary for 1902	229.16
J. E. Monroe, Bal. due on Salary	158.33
C. J. Fenner, Bal. due on Salary	41.00
Bertha F. Huntsman, Bal. on Salary	45.00

Section 2. The State Auditor is hereby authorized to draw his Warrant on the State Treasurer in favor of the persons and corporations named for the amounts set down opposite their respective names in Section 1, of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its approval by the Governor.

Approved Mch. 5th 1903

HOUSE BILL NO. 161.

An Act appropriating money for the payment of the claim of the State Publishing Company, account furnishing supplies to State Boards and Officers during the year 1900.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two thousand two and sixty seven one hundredths dollars ($2002.67) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the State Publishing Company for account due for furnishing supplies to state boards and officers during the year 1900.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said State Publishing Company for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4 1903

HOUSE BILL NO. 169.

An Act Entitled, "An Act appropriating Money For The Relief And Benefit Of The State Orphans Home."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and is hereby appropriated, the sum of Fourteen Hundred ($1400.00) Dollars, or so much thereof as may be necessary, out of any moneys in the State Treasury not otherwise appropriated, for the purpose of purchasing for the use of the State Orphans Home that certain tract of land of forty (40) acres, more or less adjoining the State Orphans Home, situated in Twin Bridges, Madison County, Montana, and known as the Lott Pasture; said appropriation to be available during the year 1903.

Section 2. That there be, and is hereby appropriated the sum of Fifteen Hundred ($1500.00) Dollars, or so much thereof as may be necessary, out of any moneys in the State Treasury not otherwise appropriated, for the purpose of building and equipping a barn at the State Orphans Home. Said appropriation to be available during the year 1903.

Section 3. That there be, and is hereby appropriated the sum of Five Thousand Dollars ($5,000.00), or so much thereof as may be necessary out of any money in the State Treasury not otherwise appropriated, for the purpose of installing a lighting plant and pumping

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station for the building of the State Orphans Home, Two Thousand Dollars ($2,000.00) of said appropriation to be available during the year 1903, and Three Thousand ($3,000.00) Dollars to be available during the year 1904.

Section 4. If the purpose for which the moneys appropriated by Sections 1, 2, and 3 of this Act has not been fully accomplished at the end of the fiscal year, and the work is in progress and has not been completed, any part of such appropriation remaining unused shall not revert to the general fund of the State but shall continue to be available for the purpose herein named, for the period of two years from and after the commencement of said appropriation.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved Mch 6. 1903

HOUSE BILL NO. 184.

An Act Entitled, "An Act appropriating Money for Manual Training Work at the State Reform School, and for the Extension and Improvement of said School.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby appropriated the sum of $4750.00, or so much thereof as may be necessary, out of any moneys in the State Treasury, not otherwise appropriated, to be used as follows:

For Manual Training work..... $2500.00

For the building of wagon sheds, ice house and other out buildings, and the making of necessary repairs upon buildings $1500.00

For new bed-steads, bedding, repair of and apparatus for gymnasium, and other interior improvements..... $750.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the State Reform School for the amount named in this Act, and the State Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Mch 5th 1903

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HOUSE BILL NO. 186.

An Act entitled An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title I, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title I, Chapter 2, Article 5, of the Political Code of the State of Montana:

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred dollars ($100.00) be, and the same is hereby appropriated to pay, in accordance with Section 209, Part 3, Title I, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title I, Chapter 2, Article 5, of the Political Code of the State of Montana, as follows, to-wit:—

X. K. Stout, Secretary of the Senate.....	$50.00
Nathan Godfrey, Chief Clerk of the House,.	$50.00
Total	$100.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said X. K. Stout and Nathan Godfrey for the sum of fifty dollars respectively, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1903

HOUSE BILL NO. 196.

"An Act appropriating money for purchasing and placing Metallic Fixtures and Shelving for the Historical and Miscellaneous Department of the State Library."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirteen Thousand Dollars ($13,000.00), or such amount as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for purchasing and placing metallic fixtures and shelving in and for the Historical and Miscellaneous Department of the State Library. One third of said amount shall be paid out of the appropriation for the fiscal year 1903, and the remaining two-thirds shall be paid out of the appropriation for the fiscal year 1904.

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Section 2. The State Auditor is hereby authorized and directed to draw his warrants for said sum in the proportions and within the times hereinabove provided, and the State Treasurer is authorized and directed to pay the same.

Section 3. This Act shall be in force from and after its passage and approval.

Approved March 5th 1903.

HOUSE BILL NO. 207.

An Act entitled, "An Act for appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the Historical Library."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred and Thirty-nine and 9-100 ($539.09) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished to the Historical Library for the year 1902:

Rocky Mountain Bell Telephone Co.....	$ 6.15
" " " " "	60
Independent Publishing Co.....	128.10
" " "	53.65
" " "	37.70
W. H. Taylor.....	189.00
R. S. Polk & Co.....	114.00
State Publishing Co.....	5.80
Great Northern Express Co.....	2.81
Northern Pacific Express Co.....	1.28
	$539.09

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5th 1903

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HOUSE BILL NO. 208.

An Act entitled, "An Act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Seven Hundred and Ninety-four and 69-100 ($1794.69) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished in the maintenance of the Capitol Building in the year 1902:

A. M. Holter Hardware Co.	$ 39.00
F. P. Smith	3.75
Helena Light and Traction Co.	102.65
Helena Light and Traction Co.	98.90
R. J. Johannes	157.50
Capitol Lumber Co.	87.46
Frank P. Smith	75.00
J. B. McDermott	75.00
Chas. L. Curtis	81.66
J. C. Bennett	80.00
J. W. Yates	80.83
Buelah Steinhauser	45.00
Richard R. Pearson	65.00
Rus Davis	65.00
John Mangle	65.00
M. J. Murphy	105.00
John Murphy	105.00
William Lynch	43.50
Mrs M. L. Burnett	48.00
Mrs E. C. Allen	38.75
E. W. Fisk	10.40
Helena Water Works Co.	61.55
House of Good Shepherd Laundry	11.64
Forward	$1545.59

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Chas E. Stephens	$ 47.50
W. G. Bennett	19.40
Western Glass and Paint Co	6.95
Benj. W. Toole	50.00
House of Good Shepherd	10.00
Jos. Weinstein	18.00
Benson Carpenter and Co	2.65
Adams heating and Plumbing Co	10.60
Helena Water Works Co	21.20
Weinstein and Co	4.35
John McMullen	12.00
Turner and Co	3.50
Benson Carpenter and Co	42.95
	$1794.69

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 5th 1903

HOUSE BILL NO. 209.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered, and supplies furnished to State School of Mines."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred and Fourteen and 94-100 ($114.91) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished to the State School of Mines for the year 1902:

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N. R. Leonard	$ 7.82
F. E. Dunn	42.50
B. E. Calkins	39.20
Northwest School Furniture Co.	25.42
	$114.94

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 210.

An Act Entitled "An Act appropriating money for the payment of claims of certain persons for supplies furnished the State Furnishing Board."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Five Hundred and Sixty-Three and 91-100 ($3563.91) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for supplies furnished to the State Furnishing Board in year 1902:

Wollaeger Manufacturing Co.	$ 420.00
Hennessy Mercantile Co.	$2318.41
E. T. Burrows Co.	$ 711.55
Benson Carpenter & Co.	$ 113.95
	$3563.91

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

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HOUSE BILL NO. 211.

An Act Entitled, "An Act appropriating money for the payment of the claim of Lewis and Clarke County, Account rent and janitor service State Offices."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Eight Hundred and Fifty Eight and 33-100 ($2858.33) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay said Lewis and Clarke County for rent and janitor service of State Offices in Court House.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of said Lewis and Clarke County, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 212.

An Act Entitled, "An Act appropriating money for the payment of the claim of the State Publishing Company, account Public Printing."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen Hundred and 34-100 ($1500.34) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of the State Publishing Company for public printing in the year 1902.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of said State Publishing Company, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5, 1903

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HOUSE BILL NO. 213.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to Attorney General's Office."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred and Thirteen and 68-100 ($213.68) Dollars, or so much thereof as may be necessary, [be], and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons for services rendered and supplies furnished to the Attorney General's Office in the year 1902:

Western Union Telegraph Co.	$ 30.21
Postal Telegraph Co.	1.10
Rocky Mountain Bell Telephone Co.	55.77
James Donovan	43.60
State Publishing Co.	3.30
Independent Publishing Co.	43.00
State Publishing Co.	32.20
Lawyers Co-Operative Publishing Co.	4.50
	$213.68

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5th 1903.

HOUSE BILL NO. 214.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Superintendent of Public Instruction."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred and Twenty-Six and 46-

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100 (—$126.46) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished the Superintendent of Public Instruction in the year 1902:

Rocky Mountain Bell Telephone Co.....	$ 17.46
Western Union Telegraph Co.....	2.57
State Publishing Co.....	22.73
W. W. Welch.....	83.70
	$126.46

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5th 1903

HOUSE BILL NO. 215.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered to Office of Secretary of State."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three and 81-100 ($3.81) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered to Office of Secretary of State in the year 1902:

J. C. & C. W. Currah.....	$ 1.75
Northern Pacific Express Co.....	2.06
	$3.81

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

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Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5th 1903

HOUSE BILL NO. 216.

An Act Entitled, "An Act appropriating money for the payment of the claim of the Western Union Telegraph Company, Account services rendered the State Board of Examiners."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventy Seven Cents ($0.77), be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said Western Union Telegraph Company for services rendered the State Board of Examiners in year 1902:

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Western Union Telegraph Company, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 217.

An Act Entitled, "An Act appropriating money for the payment of the claim of A. C. Schneider, Account Transcribing Proceedings in the Supreme Court."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety Dollars ($90.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said A. C. Schneider for transcribing Proceedings in the Supreme Court in the year 1902.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said A. C. Schneider, for the amount named

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in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 218.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons, Account maintenance of National Guard."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty ($30.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished in maintenance of National Guard in year 1902.

Britt and Dougherty	$12.00
Geo. W. Reif	18.00
	$30.00

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 5th 1903

HOUSE BILL NO. 219.

An Act Entitled, "An Act appropriating money for the payment of the claim of E. J. Groeneveld, Account traveling expenses Board of Charities & Reform."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-Four and 40-100 ($34.40) Dollars, or so much thereof as may be necessary, be, and the same is hereby

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appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said E. J. Groeneveld for traveling expenses for Board of Charities & Reform in the year 1902.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said E. J. Groeneveld, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 220.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered, and supplies furnished to the State Reform School."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred and Eighty-Nine and 17-100 ($589.17) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered, and supplies furnished to the State Reform School in the year 1902:

Al Furstnow	$ 9.35
Ben T. Smith	5.25
J. H. Dailey	15.00
Rocky Mountain Bell Telephone Co.	9.00
Miles City Meat & Provision Co.	100.65
Shore Newcome & Co.	368.10
W. E. Savage	12.15
The Yellowstone Journal	26.95
Al Furstnow	42.72
	$589.17

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

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HOUSE BILL NO. 221.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Clerk of the Supreme Court."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Forty-One and 39-100 ($41.39) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished the Clerk of the Supreme Court in the year 1902.

Western Union Telegraph Co.....	$ .50
Rocky Mountain Bell Telephone Co.....	6.00
State Publishing Co.....	34.89
	$41.39

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5th, 1903

HOUSE BILL NO. 222.

An Act Entitled, "An Act appropriating money for the payment of the claim of the W. S. Edwards Manufacturing Company, account Completion and Equipment Capitol Building."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand ($5,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said W. S. Edwards Manufacturing Company for balance due on contract for electric fixtures in Capitol Building in the year 1902:

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Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said W. S. Edwards Manufacturing Company, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch. 5th, 1903

HOUSE BILL NO. 223.

An Act Entitled, "An Act appropriating money for the payment of the claim of John M. Evans, Account expenses as member of State Board of Education."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighty-Seven ($87.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said John M. Evans for services rendered as member of the State Board of Education in the year 1902.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said John M. Evans, for the amount named in Section 1. of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passsage and approval.

Approved Mch 5th 1903

HOUSE BILL NO. 224.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered to State Game & Fish Warden."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fourteen and 55-100 ($14.55) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise

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appropriated, to pay the following named persons for services rendered to the State Game & Fish Warden in the year 1902:

Western Union Telegraph Co.....	$ 3.45
Rocky Mountain Bell Telephone Co.....	11.10
	$14.55

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 225.

An Act Entitled, "An Act appropriating money for the payment of the claim of A. F. Longeway, Account services as member of the State Board of Health."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty and 70-100 ($30.70) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said A. F. Longeway for services rendered as member of the State Board of Health in the year 1902.

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the said A. F. Longeway, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 5th 1903

HOUSE BILL NO. 227.

An Act Entitled, "An Act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the State Orphans Home."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Nine Hundred and Twenty-Two and 8-100 ($1922.08) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished to the State Orphans Home in the year 1902:

Wiley Mountjoy	$ 100.00
Mrs Wiley Mountjoy	50.00
Mrs R. R. Tovey	40.00
Mrs A. Desmeris	30.00
Mary Chapman	35.00
Mrs E. L. Smith	124.40
Twin Bridges Lumber Co	135.45
J. F. Dullea	154.98
W. J. Galahan	23.15
John Finnegan	31.40
Amos Eastman	19.00
W. M. Oliver	18.00
Marcus Elser	23.20
Pat Carney	31.00
John R. Comfort	24.00
Ada Edson	30.00
R. R. Tovey	25.00
Mrs A Desmeris	31.00
Mrs Jessie Cowan	20.00
Carrie Matheias	30.00
Rose Carney	30.00
Wiley Mountjoy	100.00
Mabel Putman	30.00
Bessie Vaughn	35.00
Blanche Bailey	35.00
Mary Chapman	35.00
Mrs R. R. Tovey	40.00
Laura Marshall	30.00
Mrs H. L. Willett	40.00
Mrs Wiley Mountjoy	50.00
Reid & Wilcomb	159.50

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Wiley Mountjoy	14.10
Lutey Bros	153.20
Brook, Bros	13.75
Mrs M. M. Wright	4.40
J. F. Dullea	152.05
W. J. Galahan	24.50
	$1922.08

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1. of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 230.

An Act Entitled, "An Act appropriating money for the Payment of the Claims of Certain Persons for Expenses Incurred in Transporting Prisoners to the Penitentiary During the Years 1889, 1900, 1901, and 1902."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty One Thousand One Hundred and Seventeen and 40-100 ($21117,40) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons for expenses incurred in transporting prisoners to the penitentiary during the years 1899, 1900, 1901 and 1902.

Aiken, A. E.	$ 200.40
Beley, Frank	531.30
Benner, H. E.	1571.40
Clary, Thos.	2670.30
Conley, John	454.40
Chaffin. B. S.	42.00
Davis, Chas.	642.40
Dun, John	182.40

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Fallang, O. A.	433.50
Fowler, T. J.	208.50
Griffith, W. S.	520.80
Hand, Thos. C.	3161.00
Hill, Chas. C.	243.10
Hill, C. W.	195.00
Hubard, Geo. W.	2243.70
Kennedy, John	1580.10
O'Connell, Jeff.	674.10
Padley, Chas. H.	333.20
Prescott, C. R.	619.20
Proctor, C. C.	64.80
Poole, G. E.	58.20
Shaw, T. M.	2269.80
Sherlock, H. L. for 1899 & 1900	184.00
Sherlock, H. L. for 1901 & 1902	312.00
Savage, W. E.	935.00
Small, S. C.	130.20
Summers, James	42.90
Taylor, Geo. C.	521.00
Watts, J. D.	92.40
Total	21117.40

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named, and for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 5th 1903

HOUSE BILL NO. 240.

An Act approving Claims No's 27483 and 27501 and providing for payment thereof.

Whereas, the Judge of the District Court in and for Dawson County, Montana, did on the trial and determination of a certain causein [cause in] 1902 order that a writ of mandamus issued to the County Clerk of

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Dawson County, requiring him to issue a Bounty Certificate to one Fred D. Williams, in the sum of $275.00, which order the said Clerk obeyed by the issuance of two certificates, which certificates were afterwards transmitted to the State Board of Examiners and by said Board rejected on the ground that they were unjust, on the 10th day of January, 1903, whereupon the parties aggrieved took an appeal therefrom to the Legislative Assembly; therefor:

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the claim of C. C. Hurley, No. 27483, in the sum of One Hundred Dollars ($100.00), and the claim of the Union Bank and Trust Company, No. 27501, in the sum of One Hundred Seventy-five Dollars ($175.00), heretofore presented to the State Board of Examiners be and the same are hereby approved in said sum above set forth and there is hereby appropriated out of any monies in the State Bounty Fund, the sum of One Hundred Dollars ($100.00), to pay the claim of C. C. Hurley, and the sum of One Hundred Seventy-five Dollars ($175.00), to pay the claim of the Union Bank and Trust Company.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the person and bank above named in the amount specified in Section 1. of this Act.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved Mch 5th 1903

HOUSE BILL NO. 249.

"An Act appropriating money for the payment of claims of certain persons and corporations, account services rendered and supplies furnished to, and expenses incurred by the State Veterinarian."—

Be it Enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of Eight Hundred and Twenty Eight and 99-100 ($828.99) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, to pay the claims of the following named persons and corporations for services rendered and sup-

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plies furnished to, and expenses incurred by the State Veterinarian in the year 1902:

Union Bank and Trust Company	$707.60
Rocky Mountain Bell Telephone Co	51.51
Western Union Telegraph Co	43.33
Parchen Drug Co	12.50
State Publishing Company	14.05
	$828.99

SECTION 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons and corporations named, for the amounts set down opposite their names, as shown in Section I of this Act, and the State Treasurer is directed to pay the same.

SECTION 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5th. 1903

HOUSE BILL NO. 250.

"An Act appropriating money for the payment of the claim of the Independent Publishing Company, account services rendered the Historical Library.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-Five and 75-100 ($35.75) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said Independent Publishing Company for services rendered the Historical Library in the year 1902.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Independent Publishing Company, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 5th—1903

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HOUSE BILL NO. 251.

An Act appropriating money for the payment of the Claim of the Independent Publishing Company, account services rendered the Clerk of the Supreme Court.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Sixteen ($16.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay the said Independent Publishing Company for services rendered the Clerk of the Supreme Court in the year 1902.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Independent Publishing Company, for the Amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 6th 1903

HOUSE BILL NO. 252.

An Act appropriating money for the Payment of Claims of Certain Persons for Services Rendered and Supplies Furnished the State Board of Horticulture.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand and Ninety-seven and 5-100 ($1097.05) Dollars, or so much thereof as may be necessary be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished the State Board of Horticulture in the year 1902:

Daniel E. Bandmann	$ 98.00
First National Bank of Butte	250.00
Burt Connell	7.50
E. M. Tucker	100.30
Wm. Tucker	54.00
Big Blackfoot Milling Co	2.60

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Western Montana National Bank	200.00
C. H. Edwards	50.00
Murphy Greenough & Co	33.00
J. H. Edwards	8.65
O. A. Parsons	6.00
C. E. Hubbard	113.70
O. C. Estey	90.00
E. N. Brandegee	20.00
R. A. Cooley	43.55
Missoula Transfer Co	15.00
Independent Publishing Co	4.75
	$1097.05

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 5th 1903

HOUSE BILL NO. 258.

"An Act making an appropriation for the State Bureau of Child and Animal protection for the years 1903 and 1904."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Four Thousand Dollars ($4,000.00) is hereby appropriated out of any monies in the State Treasury not otherwise appropriated to the State Bureau of Child and Animal Protection, for the purpose of carrying out the provisions of an Act entitled "An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection."

Section 2. That said appropriation is made for the years 1903 and 1904, commencing April 1st, 1903, one half of said amount to be used during the first year and the other half during the second year.

Section 3. The State Auditor is hereby authorized to draw warrants for the payment of the expenses of said Bureau upon vouchers certified by the President of said Bureau of Child and Animal Protection,

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and attested to by the Secretary thereof, with the Official Seal of the said Montana State Humane Society.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 6 1903

(Sub.) HOUSE BILL NO. 312.

An Act to appropriate money for the payment of costs and expenses incurred on behalf of the State of Montana in the contest of the proposed wills in the matter of the estate of Charles Colbert, deceased, pending in the District Court of the Second Judicial District of the State of Montana, in and for the County of Silver Bow.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twelve Hundred Thirty-Three and 40-100 Dollars ($1233.40) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons for witness fees and expenses incurred in the matter of the contest of the proposed wills by the State of Montana, in the matter of the estate of Charles Colbert, deceased, pending in the District Court of the Second Judicial District of the State of Montana, in and for the County of Silver Bow, to-wit:

J. F. Ledwidge	$ 419.40
A. W. Seaver	421.00
F. W. Metttler	9.00
Dr. T. B. Moore	6.00
Mrs Kriser	6.00
Joe Kulzer	69.00
W. W. Adams	69.00
George Bourquin	69.00
Adolph Wetzstein	69.00
Geo. C. Thompson	9.00
J. P. Colloins	69.00
George Tucker	18.00
Total	$1233.40

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Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named, and for the amounts set opposite their respective names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage.

Approved Mch 5th 1903

HOUSE BILL NO. 326.

"An Act making an appropriation for the payment of the claim of the National Guard, Account money due the various Companies."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Five Hundred and Ten ($2510.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named companies for the amounts due in accordance with the provisions of Section 35 of Senate Bill No. 13 of the 5th Legislative Assembly.

Company	"A" Bozeman	$ 400.00
"	"B" Butte	312.00
"	"C" Big Timber	312.00
"	"D" Red Lodge	312.00
"	"E" Livingston	312.00
"	"F" Dillon	312.00
"	"G" Helena	550.00
		$2510.00

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the companies named, for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be force and effect from and after its passage and approval by the Governor.

Approved Mch 6 1903

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HOUSE BILL NO. 327.

An Act making an appropriation for the payment of the claim of the Helena Ice Company, account supplies furnished the State Capitol Building.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-four and 60-100 Dollars ($24.60), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the said Helena Ice Company for supplies furnished to the State Capitol Building.

Section II. The State Auditor is hereby authorized to draw his warrant in favor of the Said Helena Ice Company for the amount named in Section I of this Act, and the State Treasurer is directed to pay the same.

Section III. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 5th 1903

HOUSE BILL NO. 328.

"An Act making an appropriation for the Payment of the Claim of the Rocky Mountain Bell Telephone Company, account services rendered sundry State Officers."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifty-six and 45-100 ($56.45) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said Rocky Mountain Bell Telephone Company for services rendered sundry State Officers.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Rocky Mountain Bell Telephone Company for the amount named in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 5th 1903

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HOUSE BILL NO. 335.

An Act appropriating Money For The Payment Of The Salaries Of The Commissioners Of The Supreme Court, And Of Their Clerk, And For Incidental Office Expenses.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the following Sums, or so much thereof as may be necessary for the purposes hereinafter mentioned:

For the Fiscal Year 1903.

For the Salaries of three Commissioners of the Supreme Court, Twelve Thousand Dollars.

For the Salary of the Clerk to the Commissioners of the Supreme Court, Two Thousand Four Hundred Dollars.

For the Office Expenses of the Commissioners of the Supreme Court, Five Hundred Dollars.

Section 2. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the following sums, or so much thereof as may be necessary, for the purposes hereinafter mentioned:

For the Fiscal Year 1904.

For the Salaries of three Commissioners of the Supreme Court, Twelve Thousand Dollars.

For the salary of the Clerk to the Commissioners of the Supreme Court, Two Thousand Four Hundred Dollars.

For the Office expenses of the Commissioners of the Supreme Court, Three Hundred Dollars.

Approved Mch 6 1903

HOUSE BILL NO. 338.

An Act entitled "An Act appropriating money to pay the mileage traveled by members of the Senate and House Special Committee, to Investigate the State Institutions and to pay clerk hire."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred Ninety-eight and 60-100 Dollars ($698.60), or so much thereof as may be necessary, be and the

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same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the following named persons the mileage earned by them as members of the Special Committee in going to and returning from the investigation of the State Institutions visited by them, to wit:

John H. Miles, 636 miles	$ 63.60
R. W. Farmer, 636	63.60
H. W. Lehsou, 636	63.60
H. J. Giltinan, 177	17.70
D. F. Williams, 177	17.70
Geo. W. Burt 459	45.90
W. H. Harrison, 459	45.90
Jacob Albright, 974	97.40
Geo. P. Durham, 974	97.40
Kenneth McLean, 177	17.70
C. C. Kohrs, 177	17.70
Dan Tewey, 177 miles	$17.70
Christian Yegen, 772	77.20
Dan Yancey, salary as special clerk, and mileage	55.50

Section 2. That the Auditor be, and hereby is authorized to draw his warrants for said amounts in favor of the persons named, and the Treasurer is hereby authorized to pay the same.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1903.

HOUSE BILL NO. 340.

An Act to Appropriate Moneys for the payment of per diem of officers and attaches of the Eighth Legislative Assembly of the State of Montana.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of four thousand ($4,000.00) Dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Eighth Legislative Assembly of the State of Montana.

Section 2. That this Act shall be in force and full effect from and after its passage and approval.

Approved March 5th, 1903.

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HOUSE BILL NO. 341.

An Act Entitled, "An Act appropriating money for the payment of the claim of C. R. Garlow, account services rendered the Eighth Legislative Assembly of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred and eighty ($180.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said G. R. Garlow for extra services rendered in typewriting the Journal of the House of Representatives of the Eighth Legislative Assembly of the State of Montana.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said C. R. Garlow, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved March 5th 1903

HOUSE BILL NO. 342.

An Act Entitled "An Act making an Appropriation To Procure A Bronze Tablet To Be Placed In The Main Hall Of The State Capitol Building, And Upon Which Shall Be Inscribed The Name, Rank, Company, Regiment, Date of Enlistment And Date Of Death, Of Each Member Of The First Montana Volunteeers Who Lost His Life In The Philippine War."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of two thousand dollars ($2,000.00) or so much thereof as may be necessary, to procure a suitable Bronze Tablet to be placed in the Main Hall of the State Capitol Building, which shall have thereon an appropriate inscription showing the name, rank, company, date of enlistment, and date of death, of each soldier belonging to the First Montana Volunteers who lost his life in the Philippine war, and the name of said regiment.

Section 2. The size of the Tablet, the lettering and figures thereon,

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and the arrangement of the names, shall be subject to the direction of the Governor, and the Tablet shall be set in a conspicuous place to be selected by the Governor.

Section 3. The State Auditor is hereby authorized to draw his warrant for the amount of the cost of such Tablet and expenses connected therewith, not exceding the said sum of two thousand dollars ($2,000.00), and the State Treasurer is directed to pay the same.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 6. 1903

HOUSE BILL NO. 346.

An Act appropriating money for the payment of the claim of the Montana Hardware Company, of Lewistown, Montana, Account supplies furnished Company "I", First Montana National Guard.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred and Ninety-Eight and 80-100 ($198.80) Dollars, or so much thereof as may be necessary be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said Montana Hardware Company, of Lewistown, Montana, for supplies furnished Company "I' 'First Montana National Guard, in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Montana Hardware Company, for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Mch 6. 1903

HOUSE BILL NO. 347.

An Act appropriating money for Salaries of Certain Officers, Additional Money for State Institutions, and for various other Expenses connected with the State Government.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following named sums, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purposes hereinafter mentioned for the fiscal years 1903 and 1904.

For salaries of the following named persons from December 1st, 1902 to March 1st, 1903:

A. D. Rosecrans, stenographer to Governor, four hundred and fifty dollars.

J. J. Ryan, Clerk to the Board of Equalization, four hundred and fifty dollars.

G. Y. Patten, 2nd Assistant to the Attorney General, four hundred and fifty dollars.

S. C. Ashby, Clerk to the Board of Commissioners of the Insane. three hundred and seventy-five dollars.

Otto Schoenfeld, Clerk to the Board of Prison Commissioners, three hundred dollars.

Ernest Calderhead, Auditors Insurance Clerk, three hundred dollars.

For additional for maintenance of Reform School for the year 1904, Two Thousand ($2,000.00) Dollars.

For completing buildings for the State School of Mines for the year 1904, Three Thousand Five Hundred ($3,500.00) Dollars.

For maintaining headquarters for National Educational Association for each of the years 1903 and 1904, one hundred and fifty dolllars.

For additional for Public Printing for each of the years 1903 and 1904, One Thousand Five Hundred ($1,500.00) Dollars.

S. C. Ashby, for salary as Clerk to Board of Commissioners for the Insane, from March 1st to 15th, 1903, sixty-two and one-half dollars.

Otto Schoenfelt, for salary as Clerk to Board of Prison Commissioners, from March 1st to 15th, 1903, fifty dollars.

Approved Mch 6th, 1903.

HOUSE JOINT RESOLUTION NO. 1.

"Whereas, Article V of the Constitution of the United States, provides that the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or

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on the application of the Legislatures of two-thirds of the several states shall call a Convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by Legislatures of three-fourths of the several states, or by Convention in three-fourths thereof, etc., and

"Whereas, The House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a Resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people, and,

"Whereas, The United States Senate has each time refused to consider or vote upon said Resolution, thereby denying to the people of the several states a chance to secure this much desired change in the method of electing Senators, therefor, be it

"Resolved, by the Senate and House of Representatives of the State of Montana, that, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a Constitutional Convention for the purpose of submitting to the states for ratification, an amendment to the federal Constitution providing for the election of United States Senators by direct vote of the people; and

"Resolved That the Secretary of the State be, and is, hereby directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved Mch 3, 1903

SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 2.

Whereas, past experience has shown the fact that different Western States, in which the mining industry has been highly developed, have separate and distinct Mine signals, and

Whereas, the miners in changing from one of such states to another, often confuse such different systems of mine signals, causing death and great bodily injury.

Now, Therefore, Be it resolved, That the Eighth Legislative Assembly of the State of Montana, recommend to his Excellency, Joseph

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K. Toole, Governor, that he request the Governors of such Western States to confer, for the purpose of formulating a uniform system, or code, of mine signals and submit a copy of their deliberations to the Western Federation of Miners who meet in Convention in Denver, Colo., in May, 1903, And be it further,

Resolved. That a copy of these Resolutions be forthwith transmitted to His Excellency, the Governor.

Approved Mch 5th 1903

SENATE JOINT MEMORIAL NO. 1.

To the Honorable The Senate and House of Representatives of the United States in Congress assembled:

Whereas: Certain laws have been proposed in the past looking to the leasing of public ranges; and

Whereas: Agitation of the subject still claims the attention of the people in the west, therefore be it,

Resolved: That we, your memorialists, the Eighth Legislative Assembly, of the State of Montana earnestly protest against continued agitation in favor of the enactment of any measure providing for the leasing of public ranges, believing it to be a menace to the public welfare and we pray and petition the congress of the United States to protect the rights of the people to enter and use the public domain for legitimate purposes to the exclusion of none, and it is further,

Resolved: That the Secretary of the State of Montana be and he is hereby ordered to furnish a copy of this memorial to each of our senators and representatives elect in congress.

Approved Feby 24 1903

SENATE JOINT MEMORIAL NO. 2.

To The Honorable, The Senate and House of Representatives of the United States, in Congress Assembled:

Whereas: The Lieu Selection clause of the Act of June 4, 1897, Thirtieth Statutes, Thirty-six, provides: "That in cases in which a tract covered by XXX a patent, the XXX owner thereof may, if he desire to do so, relinquish the tract to the Government, and may select

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in lieu thereof, a tract of vacant land, open to settlement, not exceeding in area the tract covered by his XXX patent," and

Whereas: Many citizens of the State of Montana, being desirous of securing public lands, purchased the rights of owners of lands within certain established Forest Reserves, for the purpose of exchanging said Forest Reserve lands for "vacant land, open to settlement," as provided by said Act; and,

Whereas: Certain citizens of Montana, to the number of eighty or eighty-one, approximately, residing and living within the limits of the Blackfeet Reservation, embracing all that portion of the State of Montana lying North of the Missouri and East of the Marias Rivers, have, by virtue of the surrender to the United States of, approximately, fifteen thousand six hundred (15,600) acres of Forest Reserve lands, under said Act, "vacant land, open to settlement," but situate within the above described limits; and

Whereas: The State of Montana, through its Land Department, has also selected through the same medium, approximately, eight thousand eight hundred (8,800) acres of "vacant land, open to settlement," within the heretofore described limits; and,

Whereas:—The Honorable Commissioner of the General Land Office by letter of October 20th, 1902, did reject Forest Reserve Lieu Selection No. 1149, of George L. Ramsey, embracing eighty (80) acres, situated in the district heretofore described, for the reason that the Act of May 1, 1863, Chapter 213, Twenty Fifth Statutes, 113 to 133, provided that lands within said district should be subject to entry under the Homestead Laws, except Section 3301, Revised Statutes, (Note: This is known as the Pre-emption Section): The Desert Land: the Town-Site, and the Coal and Mineral Laws of the United States, only; and,

Whereas: A Bill (s. 6339) has been introduced in the United States Senate, and another (H. 15965), has been introduced in the House of Representatives of the United States, of which the following is the text:

"A Bill, To confirm forest-lieu selections made under the Act approved June fourth, eighteen hundred and ninety-seven (Thirtieth Statute Thirty Six).

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That all bona fide selections under the Act approved June fourth, eighteen hundred and

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ninety-seven (Thirtieth Statutes, Thirty Six), of lands in Montana which lie within the territory opened to entry under the provisions of the Act approved May first, eighteeen hundred and eighty-eight, Chapter two hundred and thirteen, Twenty-fifth Statutes, one hundred and thirteen to one hundred and thirty-three, entitled "An Act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," made prior to the decision of the Commissioner of the General Land Office, dated October twentieth nineteen hundred and two, in the case of George L. Ramsey holding that such lands are subject to disposal only under the forms of entry provided by the said Act of May first, eighteen hundred and eighty-eight, be, and the same are hereby, confirmed, no other valid objection to the acceptance of such selections appearing;" and

Whereas: Nearly all of these lands so selected have been transferred in legal form to innocent holders, many of whom have placed permanent and expensive improvements upon their lands; in many cases have reclaimed, cultivated and fenced the same; in some cases Desert wastes which, before selection, would grow nothing but scrubby grass, are now, by reason of irrigation, in a state of cultivation; and,

Whereas; These innocent purchasers and holders will be placed under almost inestimable hardship and privation, unless relief is afforded by Congress; and,

Whereas: It cannot be said that any of these lands have been selected for the purpose of timber speculation, for it is a patent and notorious fact that there is not a stick of merchantable timber in the whole of the proscribed district or limits, but on the contrary, all of the land selected therein are valuable only for grazing or agricultural purposes, some of the lands selected being worth, intrinsically, not more than one dollar per. acre, except perhaps a water hole at which sheep or cattle might be watered; and,

Whereas: The Bill heretofore mentioned, now before the Congress of the United States, is along the strictest lines of justice and equity; can harm no one, and will inure to the benefit of many worthy, although unfortunate, settlers.

Resolved, Therefore, That we, your memorialists, the Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States, to approve said Bill or an equivalent thereof, for the purpose set forth; and

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Be it Further Resolved, That the Secretary of the State of Montana, be, and is, hereby instructed, to furnish a copy of this memorial to the President of the United States Senate; Speaker of the House of Representatives, and our Senators and Representatives, and the Chairman of Committee on Public Lands of the United States Senate and House of Representatives.

Approved Feby 24th 1903

SENATE JOINT MEMORIAL NO. 3.

To his Excellency, The President of the United States; and To the Honorable Secretary of the Interior:

Your memorialists, the Eighth Legislative Assembly of the State of Montana, most respectfully represents:

That there is a strip of land six miles wide on the east side of the Lewis and Clarke Forest Reserve, in Teton County, State of Montana, beginning at the Blackfoot Indian Reservation and running thence south to the south boundary line of Teton County, in which is a large quantity of fallen and dead timber;

That the inhabitants of that portion of the State of Montana, and especially those residing adjacent to said Forest Reserve, in Teton County, are unable conveniently to obtain fire wood and timber for building fences and other ranch uses, and would be greatly benefitted if permitted to go upon the portion of said Forest Reserve mentioned above to gather the fallen and dead timber thereon.

Wherefore, your memorialist prays that an order be made permitting the residents of Teton County, Montana, and other persons, to go upon said Lewis and Clarke Forest Reserve and gather and take the fallen and dead timber situated thereon without being delayed by being obliged to first obtain a permit.

Approved March 3, 1903.

HOUSE JOINT MEMORIAL NO. I.

Introduced by Bever

Relative to the Cession of the Northerly Part of the Crow Reservation to the United States.

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The Honorable the Senate and the House of Representatives of the United States in Congress Assembled:

We, your memorialists, the Eighth Legislative Assembly of the State of Montana, respectfully represent:

That the cession of the Northerly part of the Crow Indian Reservation to the United States, and the opening up of the same to settlement will prove of especial advantage to the Crow Indians and will materially contribute to the growth and development of the Eastern portion of the State.

The land proposed to be ceded is described in Senate Bill 2979, First Session, 57th Congress, and is entitled: "A Bill for an Act to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect."

The lands described, aggregating about one million acres, are practically unoccupied by Indians and wholly unnecessary for their use or accommodation.

A large portion of the proposed cession is made up of first class agricultural land in the valleys of the Big Horn and the Yellowstone Rivers, which streams contain an ample flow of water for the successful reclamation of the bottom lands.

All the available agricultural land will be taken up by actual settlers with rapidity when thrown open for settlement.

Wherefore, your memorialists earnestly pray that said Senate Bill 2979 be by your honorable bodies favorably considered at your earliest convenience. And your memorialists will forever pray.

Approved Feby 3, 1903.

HOUSE JOINT MEMORIAL NO. 2.

To The Honorable, The Senate and the House of Representatives of the United States in Congress Assembled:

Whereas, There now resides in the Absarokee Forest Reserve, of the State of Montana, a large number of bona fide settlers, in the Counties of Carbon, Park and Sweet Grass, holding 160 acres of land each, and,

Whereas, A large portion of the area covered by the Absarokee Forest Reserve is above timber line and therefore grass bearing land, without trees, and a large portion of such area is land devoid of tim-

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ber and occupied by homestead Settlers and is tillable land feasable to be reclaimed by irrigation, and,

Whereas, Said land so settled upon by said persons is more valuable for agriculture and stock growing than for any other purpose, and,

Whereas, The present rules of the Department of the Interior, relative to Forest Reserves, prohibits the grazing of sheep and other live stock on the Absarokee Forest Reserve, and,

Whereas, Heavy pecuniary loss will fall upon the residents, settlers and flock masters, residing in the vicinity of the Absarokee Forest Reserve, by reason of such regulations of the Department of the Interior, and by reason of the enforcement thereof and will result in their being deprived of the use of a very large area of the best pasture lands and thereby cause the grasses thereon to go to waste, materially reducing the number of live stock that can be carried upon the open ranges of our State.

Whereas, This great loss to the people of our State will be incurred without in any manner providing a better protection to our forests.

Therefore, be it Resolved that we your Memorialists, of the Eighth Legislative Assembly of the State of Montana do earnestly pray and petition the Congress of the United States to open for settlement said Absarokee Forest Reserve, or that portion thereof, that is devoid of timber.

Resolved, That our Senators and Representatives at Washington D. C. are hereby instructed to use all proper means to accomplish the desired legislation and be it further

Resolved, That the Secretary of State of Montana be and is, hereby instructed to send a copy of this Joint Memorial to our Senators and Representative at Washington D. C.

Approved Feby 16, 1903.

HOUSE JOINT MEMORIAL NO. 5.

Substitute for H. B. No. 98.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled:

Whereas, large quantities of goods manufactured by convict labor in United States prisons are annually shipped into the State of Montana, and sold there in competition with articles manufactured by

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free labor, thus working a great injustice to the laboring classes of Montana;

Therefore, be it Resolved, That we, your memorialists, the Legislative Assembly of the State of Montana, respectfully petition the Congress of the United States to enact such speedy and proper legislation as will prevent the manufacture and sale of such convict made goods; and be it further

Resolved, That the Secretary of the State of Montana be, and he is hereby directed to furnish a copy of this Memorial to each of our Senators and Representatives in Congress.

Approved March 4, 1903

HOUSE JOINT MEMORIAL NO. 6.

To The Honorable The Senate of the United States in Congress Assembled:

Whereas; The House of Representatives of the Congress of the United States has passed H. B. No. 12,543, popularly known as the Omnibus Bill, to enable the people of Oklahoma, New Mexico and Arizona to form Constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and

Whereas; It appears that they are in every way qualified to assume the duties of State-hood, therefore be it,

Resolved; That we, your Memorialists, the Eighth Legislative Assembly, of the State of Montana respectfully petition your Honorable body to concur in the said H. B. No. 12,543:

Resolved; That our Senators in Congress are earnestly urged to use all proper means in their power to assist by their voice and vote in passing of the said bill, and be it further,

Resolved: That the Secretary of the State of Montana be and he is hereby ordered to furnish a copy of this Memorial to the President of the United States Senate and to each of our Senators in Congress.

Approved Feby 28, 1903.

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HOUSE JOINT MEMORIAL NO. 7.

To the Senate and the House of Representatives of the United States in Congress Assembled.

This Memorial of the Legislative Assembly of the State of Montana respectfully represents; that there is embraced within the limits of the Flathead Indian Reservation in the western part of Montana an area of land far in excess of the present or prospective needs of the Indian tribes located on said Reservation.

That fully three-fourths of the land embraced within the Reservation is wholly unoccupied and unused by the Indians who are chiefly located in the Southeastern corner of the Reservation. That the unoccupied and unused portion of the said Reservation is favored by fertile soil, temperate climate, ample water supply, and timber sufficient for the needs of settlers. Near the outlet of Flathead Lake one of the most useful and potent water powers to be found anywhere in the United States, may, with comparatively small expense, be utilized for manufacturing and other purposes. The entire Reservation is especially adapted to the growth of fruit, vegetables and agricultural crops. The country immediately north of the Reservation is thickly settled and highly cultivated, and in the mountains to the west thereof large mineral deposits are in the course of development. The continuance of the unoccupied portions of the Indian Reservation in the state of nature in no sense benefits the Indians, while retarding the growth and settlement of the State. In the judgment of your memorialists, efforts heretofore made to secure a cession to the United States of the surplus lands of the Reservation, have failed chiefly because the Commissions appointed to conduct negotiations have been unacquainted with the Indians and their mental methods. It being deemed alike for the interest of the Indians and the prospective homeseekers of the country at large to open the lands referred to settlement.

Your Memorialists pray that action may be taken by your Honorable Body providing for the appointment of a Commission of citizens of Montana to negotiate with said Flathead Indians for the cession to the United States of such portion of said Reservation as may not be necessary or useful for the Indians, and your Memorialists shall ever pray.

Approved Mch 5th 1903

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HOUSE JOINT MEMORIAL NO. 8.

TO THE HONORABLE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

We, your memorialists, the Eighth Legislative Assembly of the State of Montana, respectfully represent:

That the Honorable Senate of the United States passed on February 7th, 1903, a bill numbered S. 6689 and entitled, "A Bill for the protection of wild Animals, Birds, and Fish in the Forest Reserves of the United States."

That it is the purpose of said Act to protect from trespass the Public Lands of the United States and the wild animals, birds, and fish which may be thereon, and not to interfere with the operation of the local game laws as effecting private, state or territorial lands:

Wherefore, your memorialists earnestly pray that said Senate Bill No. 6689 be by your Honorable Body favorably considered at your earliest convenience; and your memorialists will ever pray.

Approved Mch 6. 1903

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